

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: September 22, 1982

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-0YA-2-004618 Div. of State Lands No. RP 1055

Applicant: Schnitzer Investment Corporation

Please return your comments to the Division of State Lands by: October 10, 1982

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
(☒) Removal ( ) Structure ( ) Lease

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

- ( ) A \_\_\_\_\_ permit is required by this agency.
- ( ) We do not believe the project would have an adverse effect.
- ( ) We believe the effects of this project, although measurable, would be acceptable.
- ( ) We believe the project would be acceptable if methods of construction were altered as listed below.
- ( ) We would attend a conference with the applicant to seek project alternatives.
- ( ) The project is unacceptable as proposed (explained).
- ( ) We have no comment.

Comments:



USEPA SF



1336547

Agency WATERWAY HGR By \_\_\_\_\_ Date \_\_\_\_\_

SCHN00318703

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: September 22, 1982

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-2-004618 Div. of State Lands No. RP 1055

Applicant: Schnitzer Investment Corporation

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- ( ) We have no comment.

Comments: \_\_\_\_\_

Agency \_\_\_\_\_ By \_\_\_\_\_ Date \_\_\_\_\_

SCHN00318704



DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

DEPARTMENT OF LAND  
Date September 23, 1982  
CONSERVATION AND DEVELOPMENT

SEP 24 1982

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-2-004618 Div. of State Lands No. RP 1095 SALEM

Applicant: Schnitzer Investment Corporation

Please return your comments to the Division of State Lands by: October 10, 1982

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
(☒) Removal ( ) Structure ( ) Lease  
*Multnomah County*  
*Jim Sitzman*

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

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- ( ) We would attend a conference with the applicant to seek project alternatives.
- ( ) The project is unacceptable as proposed (explained).
- ( ) We have no comment.

Comments:

RECEIVED  
OCT 05 1982  
DIVISION OF STATE LANDS

Agency LCDC

By Janice R. Sitzman Date 9.30.82

SCHN00318705

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: September 22, 1982

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-2-004618 Div. of State Lands No. RP 1055

Applicant: Schnitzer Investment Corporation

Please return your comments to the Division of State Lands by: October 10, 1982

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
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- ( ) We have no comment.

Comments:

RECEIVED  
SEP 24 1982  
DIVISION OF STATE LANDS

Agency AERO

By

Lay Costello

Date

9-28-82

SCHN00318706

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

SEP 24 1982

Date: September 22, 1982

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-0YA-2-004618 Div. of State Lands No. RP 1055

Applicant: Schnitzer Investment Corporation

Please return your comments to the Division of State Lands by: October 10, 1982

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Comments: \_\_\_\_\_

RECEIVED  
SEP 28 1982  
DIVISION OF STATE LANDS

Agency ECOP DEV DIV

By [Signature]

Date 9-24-82

SCHN00318707

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

OCT 8 1982  
DSL  
DEQ

Date: September 22, 1982

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-2-004618 Div. of State Lands No. RP 1055

Applicant: Schnitzer Investment Corporation

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Comments:

RECEIVED  
OCT 21 1982  
DIVISION OF STATE LANDS

*No Change*

*Massey 10/6*

SEP 27 1982

Agency DFW

By

*[Signature]*

Date

*10/7/82*

SCHN00318708

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

RECEIVED  
SEP 27 1982

Date: September 22, 1982

WATERWAY PROJECT of Portland  
PERMIT REVIEW of Planning

Corps Public Notice No. 071-OYA-2-004618 Div. of State Lands No. RP 1055

Applicant: Schnitzer Investment Corporation

Please return your comments to the Division of State Lands by: October 10, 1982

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- ( ) We have no comment.

Comments:

RECEIVED  
OCT 29 1982  
DIVISION OF STATE LANDS

Agency CITY OF PORTLAND PLANNING DEPT By DFW Date 10-28-82

SCHN00318709

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: September 22, 1982

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-2-004618 Div. of State Lands No. RP 1055

Applicant: Schnitzer Investment Corporation

Please return your comments to the Division of State Lands by: October 10, 1982

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement

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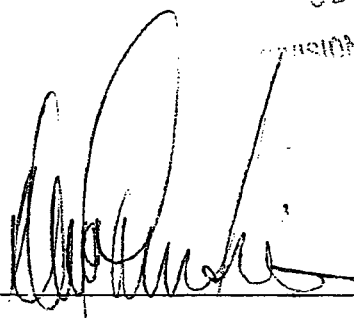
Comments:

*Willnette R  
Mull  
Portland  
Oregon*

RECEIVED  
SEP 20 1982  
DIVISION OF STATE LANDS

Agency HIST PRES

By



Date SEP 28 1982

D.W. POWER  
DEPUTY DIRECTOR

SCHN00318710

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

RECEIVED

Date: September 22, 1982

SEP 24 1982

WATERWAY PROJECT

PERMIT REVIEW

USDA-DIVISION OF SOIL  
AND WATER CONSERVATION

Corps Public Notice No. 071-OYA-2-004618

Div. of State Lands No. RP 1055

Applicant: Schnitzer Investment Corporation

Please return your comments to the Division of State Lands by: October 10, 1982

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement

(☒) Removal ( ) Structure ( ) Lease

*E. Multnomah*

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- ( ) We have no comment.

Comments:

RECEIVED  
SEP 30 1982

DIVISION OF STATE LANDS  
REMITTANCE \$

Agency *S&W*

By

*Charles V. Liles* Date *9/29/82*

SCHN00318711

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: September 22, 1982

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-2-004618 Div. of State Lands No. RP 1055

Applicant: Schnitzer Investment Corporation

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- ( ) We have no comment.

Comments:

RECEIVED  
OCT 11 1982

DIVISION OF STATE LANDS

Agency ST MARINE BD

By

Paul Donheff

Date

10-6-82

SCHN00318712



State of Oregon  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

RECEIVED  
SEP 27 1982

Date: September 22, 1982

WATER QUALITY CONTROL PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-2-004618 Div. of State Lands No. RP 1055

Applicant: Schnitzer Investment Corporation

Please return your comments to the Division of State Lands by: October 10, 1982

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
(X) Removal ( ) Structure ( ) Lease

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Comments:

Agency DEQ

By

G. Carter

Date

10-1-82

SCHN00318713

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: September 22, 1982

WATERWAY PROJECT  
PERMIT REVIEW

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Comments:

RECEIVED  
SEP 30 1982  
DIVISION OF STATE LANDS

Agency R PROG

By

Jim Payne

Date

27 Sept 82

SCHN00318714

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: September 22, 1982

WATERWAY PROJECT  
PERMIT REVIEW

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- ☒ We have no comment.

Comments:

November 8, 1982

RECEIVED  
NOV 12 1982  
DIVISION OF STATE LANDS

Stan K. Berryman  
STAN K. BERRYMAN, MGMT. ASST.  
DEPT. ENVIRONMENTAL SERVICES  
AGENCY MULTNOMAH COUNTY

FOR, MULTNOMAH COUNTY, OREGON  
By Donald E Clark / MW  
County Executive

SCHN00318715

RP 1055

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101



REPLY TO  
ATTN OF MS 423

SEP 27 1982

Colonel Robert L. Friedenwald  
District Engineer, Portland District  
Corps of Engineers  
P. O. Box 2946  
Portland, Oregon 97208


RE: 071-OYA-2-004589, Western Pacific Construction Materials Co., 9/1/82  
071-OYA-2-004618, Schnitzer Investment Corporation, 9/16/82

Dear Colonel Friedenwald:

We have reviewed the referenced permit applications.

Our agency has no objection to the issuance of these permits. However, we recommend that the applicants comply with all state and federal resource agency conditions that may be needed to protect the aquatic resources.

Sincerely,

  
Ronald A. Lee  
404 Review Team Leader

cc: USFWS - Portland  
NMFS  
ODSL  
ODFW

RECEIVED  
SEP 29 1982  
DIVISION OF STATE LANDS

SCHN00318716



## Department of Environmental Quality

522 S.W. 5th AVENUE, BOX 1760, PORTLAND, OREGON 97207

October 4, 1982

Director  
Division of State Lands  
1445 State St.  
Salem, OR 97310

Subject: U.S. Army Corps of Engineers P.N. No. 071-OYA-2-004618;  
reference to Schnitzer Investment Corporation, dredging,  
Willamette River, Mile 3.6, in Multnomah County, at  
Portland, Oregon.

Dear Sir:

The Oregon Department of Environmental Quality hereby certifies that the project listed above will comply with the applicable provisions of Title 33, United States Code, Sections 1311, 1312, 1316 and 1317, i.e., there is reasonable assurance that it will not violate applicable water quality standards.

Sincerely,

Glen D. Carter  
Water Quality Analyst  
Planning Section  
Water Quality Division

GDC:pn

cc: U. S. EPA, Oregon Operations  
Oregon Department of Fish & Wildlife  
Northwest Region, DEQ

RECEIVED  
OCT 05 1982  
DIVISION OF STATE LANDS



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Division of Ecological Services  
Portland Field Office  
727 N. E. 24th Avenue  
Portland, Oregon 97232

Reference: ES

October 4, 1982

Colonel Robert L. Friedenwald, District Engineer  
Portland District, Corps of Engineers  
P.O. Box 2946  
Portland, Oregon 97208

Dear Colonel Friedenwald:

The Fish and Wildlife Service has reviewed the project plans advertised by the following public notice. No significant adverse effects on fish and wildlife, their habitats, or human uses thereof are expected to result from the proposed work or activity. Therefore, the Service has no objection from the standpoint of fish and wildlife to the issuance of permits related to this notice, provided the applicant adheres to all conditions and requirements specified by the Oregon Division of State Lands.

Type of Permit: Section 404 of the Clean Water Act  
of 1977 (P.L. 95-217)  
Section 10 of the 1899 Rivers and  
Harbors Act

Notice No./Date	Applicant Name	Due Date
071-0YA-2-004618 9/16/82	Schnitzer Investment Corp.	10/18/82

Other Bureaus of the Department of the Interior do not expect to submit comments on this notice at this time.

Sincerely yours,

*Russell D. Peterson*  
for Russell D. Peterson  
Field Supervisor  
Acting for U.S. Department of  
the Interior Coordinator

cc:  
EPA  
NMFS  
ODFW  
DSL✓  
DEQ

RECEIVED  
OCT 05 1982

DIVISION OF STATE LANDS

SCHN00318718

# SCHNITZER STEEL PRODUCTS CO.

3200 N.W. Yeon Ave. P.O. Box 10047 Portland, Oregon 97210 Phone 503/224-9900 Telex/W.U. 36-0144

October 27, 1982

Ms. Marge Ackers  
State of Oregon  
Division of State Lands  
1445 State Street  
Salem, OR 97310

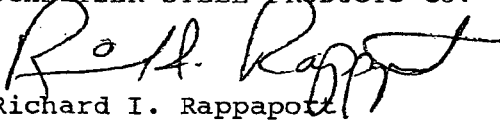
RE: Renewal of Dredging Permit #1055

Dear Ms. Ackers:

Enclosed is Schnitzer Steel Products Co.'s check number S-62409 in the amount of \$100 for the renewal of the referenced permit. Thank you for your advance notice of this obligation.

Very truly yours,

SCHNITZER STEEL PRODUCTS CO.

  
Richard I. Rappaport  
Corporate Counsel

RIR/dr  
Enclosure

RECEIVED  
OCT 28 1982  
DIVISION OF STATE LANDS  
REMITTANCE \$ 100.00

Division of State Lands  
1445 State Street  
Salem, Oregon, 97310  
Phone: 378-3059  
378-3805

Permit No. 1055 renewal  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date February 22, 1984  
PN 004618

SCHNITZER INVESTMENT COMPANY

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF HIS APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulations pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. Creation of new lands upon submerged or submersible lands must comply with provisions of ORS 274.905 et seq.
4. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
5. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
6. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
7. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
8. The Division of State Lands retains authority to temporarily halt or modify the operation if it should cause excessive turbidity or damage to natural resources.
9. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson  
Authorized Signature

November 3, 1982  
Date Issued

SCHN00318720



ATTACHMENT A

Special Conditions For Material Removal Permit No. 1055

1. This permit authorizes the removal of up to 20,000 cubic yards of material in Section 35, T2N, RLW (Willamette River, mile 3.6) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. Waste materials and spoils shall be placed in approved Swan Island Lagoon disposal site.
4. There shall be no removal in the permit area between February 15 and May 15 nor between September 1 and September 30.
5. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
6. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

November 4, 1982

SCHN00318721

VICTOR ATIYEH  
GOVERNOR



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM, OREGON 97310

November 5, 1982

District Engineer  
Corps of Engineers  
U. S. Army  
Portland District  
P. O. Box 2946  
Portland, OR 97208

Att: J. F. Beckly, Chief  
Navigation Division

Ref: PN 071-OYA-1-004618  
Willamette River - Dredging

Dear Sir:

I approve the project subject to the conditions outlined in Material Removal Permit No. 1055 issued by the Division of State Lands.

On October 4, 1982, the Department of Environmental Quality certified there was reasonable assurance that the project, as described, would not violate applicable water quality standards.

Sincerely,

Victor Atiyeh  
Governor

VA:kp

cc: Schnitzer Investment Corporation  
Department of Environmental Quality  
Department of Fish and Wildlife  
U. S. Fish and Wildlife Service  
Department of Land Conservation and Development  
Division of State Lands

SCHN00318722



## MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING AND DEVELOPMENT  
2115 S.E. MORRISON  
PORTLAND, OREGON 97214  
(503) 248-3591

DONALD E. CLARK  
COUNTY EXECUTIVE

November 15, 1982

Division of State Lands  
1445 State Street  
Salem, Oregon 97310

Re: 07-OYA-2-004618/State Lands RP 1055

Dear Sirs:

This entire application is located within the City of Portland and subject to their recommendations.

Very truly yours,

MULTNOMAH COUNTY DIVISION OF PLANNING AND DEVELOPMENT

Douglas Cowley  
Senior Planner

DC/kz  
Enclosure

RECEIVED  
NOV 17 1982  
DIVISION OF STATE LANDS



OREGON STATE  
LAND BOARD

VICTOR ATYEM  
Governor

NORMA PAULUS  
Secretary of State

CLAY MYERS  
State Treasurer

## Division of State Lands

1445 STATE STREET, SALEM, OREGON 97310 PHONE 378-3805

December 2, 1983

D-31  
Schnitzer Investment Corp.  
Attn: Richard Rappaport  
3200 NW Yeon  
Portland, OR 97210

Permit No.: RP 1055  
Waterway: Willamette River  
Expiration Date: 2-22-84  
Please return by: 12-23-83  
Fee: \$100.00

RECEIVED  
DEC 22 1983  
DIVISION OF STATE LANDS  
CONMITTEE \$100.00

Dear Sir:

Your Removal-Fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do other work or modify your earlier plans, please complete the attached application and send it with suitable maps and drawings, to our office. If any information is needed to update our files it will be checked below. Please return this letter and any information, if needed, to our office.

- \_\_\_\_\_ An updated application form, with all appropriate information filled in and signed by an authorized person.
- \_\_\_\_\_ A map showing the location of the area and landmarks for finding the operation. An example is enclosed.
- \_\_\_\_\_ A plan-view map of the project. This may be hand drawn; an example is enclosed.
- \_\_\_\_\_ A cross-section drawing showing the existing area and the proposed alteration. An example is enclosed.

Please contact us if you have any questions involving the permit program or this renewal. Please call Permit Section at 378-3059.

Sincerely,

*Marge Akers*

Marge Akers  
Waterway Permit Specialist

Enclosures

(PLEASE CHECK)

( ) I do not wish to  
renew this permit.

☒ Please renew this  
permit; no change in  
plans.

( ) Please renew this  
permit; revised plans  
attached.

SCHN00318724

Division of State Lands  
1445 State Street  
Salem, Oregon, 97310  
Phone: 378-3059  
378-3805

Permit No. 1055 Renewal  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date February 22, 1985  
PN 004618

SCHNITZER INVESTMENT COMPANY

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF HIS APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulations pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. Creation of new lands upon submerged or submersible lands must comply with provisions of ORS 274.905 et seq.
4. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
5. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
6. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
7. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
8. The Division of State Lands retains authority to temporarily halt or modify the operation if it should cause excessive turbidity or damage to natural resources.
9. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson  
Authorized Signature

February 2, 1984  
Date Issued

SCHN00318725

ATTACHMENT A

Special Conditions for Material Removal Permit No. 1055

1. This permit authorizes the removal of up to 20,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, mile 3.6) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. Waste materials and spoils shall be placed in approved Swan Island Lagoon disposal site.
4. There shall be no removal in the permit area between February 15 and May 15 nor between September 1 and September 30.
5. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
6. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

February 2, 1984

SCHN00318726



## Division of State Lands

1445 STATE STREET, SALEM, OREGON 97310 PHONE 378-3805

December 3, 1984

OREGON STATE  
LAND BOARD

VICTOR ATIYEH  
Governor

NORMA PAULUS  
Secretary of State

CLAY MYERS  
State Treasurer

RP 1055  
Schnitzer Investment Corporation  
Attn: Richard Rappaport  
3200 NW Yeon  
Portland, OR 97210

Your Removal-Fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do any additional work or have a change in your original plans, please complete the attached application and submit it, with the appropriate maps and/or drawings, to our office.

Please return this letter, indicating the action you wish to be taken.  
If there are any questions regarding the permit program or this renewal, please call the Environmental Permits Section at 378-3059.

Sincerely,

*Susan M. Payne*

*for* Marge Akers  
Waterway Permit Specialist

MA:sp

Enclosures

-----  
PLEASE RESPOND BY:

☐ Do Not  
Renew  
This Permit

☒ Please Renew  
This Permit  
(Fee Enclosed)

Permit No.: RP 1055  
Waterway: Willamette River  
Expiration Date: Feb. 22, 1985  
Fee: \$100.00

RECEIVED  
JAN 8 1985

DIVISION OF STATE LANDS  
REMITTANCE \$ 100.00

SCHN00318727

# SCHNITZER INVESTMENT CORP.

3200 N.W. Yeon Ave. P.O. Box 10047 Portland, Oregon 97210 Phone 503/224-9900 Telex/W.U. 36-0144



December 15, 1984

Ms. Marge Akers  
Waterway Permit Specialist  
Division of State Lands  
1445 State Street  
Salem, Oregon 97310

Re: Permit No. RP 1055

Dear Ms. Akers:

Attached is our renewal application for the referenced permit. Please note that in our previous application we stated we would dispose of the dredged material at the Swan Island Lagoon. We know that site is no longer available for disposal and will seek your prior approval for an alternative site.

Very truly yours,

SCHNITZER INVESTMENT CORP.

*Richard I. Rappaport*  
Richard I. Rappaport  
Corporate Counsel

RIR/jh

RECEIVED  
JAN 11 1985  
DIVISION OF STATE LANDS  
No Attachment  
CG



Division of State Lands  
1445 State Street  
Salem, OR 97310  
Phone: 378-3059  
378-3805

Permit No. 1255 Renewal  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date February 22, 1986  
PN 004513;002646

SCHNITZER INVESTMENT COMPANY

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

NOTICE: If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Division of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Division of State Lands, Waterway Leasing Office, 378-3805.

Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson  
Authorized Signature

February 8, 1985  
Date Issued

SCHN00318729

ATTACHMENT A

Special Conditions for Material Removal Permit No. 1055

1. This permit authorizes the removal of up to 20,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, mile 3.6) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. Waste materials and spoils shall be placed above the bankline behind previously constructed berms in an approved disposal site.
4. There shall be no removal in the permit area between February 1 and May 15 nor between September 1 and September 30.
5. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
6. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

February 8, 1985

SCHN00318730



VICTOR ATIYEH  
GOVERNOR

OREGON STATE  
LAND BOARD

VICTOR ATIYEH  
Governor

NORMA PAULUS  
Secretary of State

CLAY MYERS  
State Treasurer

DEC 6 1985

AM

## Division of State Lands

1445 STATE STREET, SALEM, OREGON 97310 PHONE 378-3805

December 3, 1985

RP 1055  
Schnitzer Investment Corporation  
Attn: Richard Rappaport  
3200 NW Yeon  
Portland, OR 97210

Your Removal-Fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do any additional work or have a change in your original plans, please complete the attached application and submit it, with the appropriate maps and/or drawings, to our office.

Please return this letter, indicating the action you wish to be taken.  
If there are any questions regarding the permit program or this renewal, please call the Environmental Permits Section at 378-3059.

Sincerely,

*Susan M. Payne*

*for* Marge Akers  
Waterway Permit Specialist

MA:sp

Enclosures

RECEIVED  
JAN 10 1986  
DIVISION OF STATE LANDS  
REMITTANCE \$ 100.00

-----  
PLEASE RESPOND BY: Dec. 31, 1985

☐ Do Not  
Renew  
This Permit ☒ Please Renew  
This Permit  
(Fee Enclosed)

Permit No.: RP 1055  
Waterway: Willamette River  
Expiration Date: Feb. 22, 1986  
Fee: \$100.00

SCHN00318731

# SCHNITZER INVESTMENT CORP.

3200 N.W. Yeon Ave. P.O. Box 10047 Portland, Oregon 97210 Phone 503/224-9900 Telex/W.U. 36-0144



January 9, 1986

Ms. Marge Akers  
Waterway Permit Specialist  
Division of State Lands  
1445 State Street  
Salem, Oregon 97310

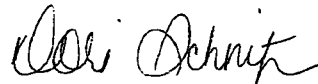
Re: Permit No. RP 1055

Dear Ms. Akers:

Attached is our renewal application for the referenced permit. Please note that our previous application stated disposal of the dredged material would be at the Swan Island Lagoon. Since that site is no longer available for disposal, we have indicated an alternative site, selected by the Department of the Army, Portland District Corps of Engineers.

Very truly yours,

SCHNITZER INVESTMENT CORP.



Dori Schnitzer  
Corporate Counsel

DS/jh

RECEIVED  
JAN 10 1986  
DIVISION OF STATE LANDS

# SCHNITZER STEEL PRODUCTS CO.

3200 N.W. Yeon Ave. P.O. Box 10047 Portland, Oregon 97210 Phone 503/224-9900 Telex/W.U. 36-0144



January 23, 1986

Ms. Liz Hook  
Division of State Lands  
1445 State Street  
Salem, Oregon 97310

Re: State Permit No. RP-1055  
State Permit No. RP-3701

Dear Ms. Hook:


As you requested yesterday, we are enclosing two copies of the following documents relating to the dredge disposal site for the above-referenced permits:

1. An aerial photograph of the property sent to us by the Portland District Corps of Engineers with their Permit No. 071-OYA-1-005733.
2. A diagram of the disposal site property location.
3. An area map showing the disposal site location.

Please let me know if you need any further information or assistance.

Very truly yours,

SCHNITZER STEEL PRODUCTS CO.



Dori Schnitzer  
Corporate Counsel

DS/jh



**MULTNOMAH COUNTY OREGON**

DIVISION OF PLANNING & DEVELOPMENT / 2115 S.E. MORRISON / PORTLAND, OREGON 97214

February 5, 1986

MEMORANDUM

To: Division of State Lands

From: Matt Spangler, *[Signature]*  
Multnomah County Division of Planning and Development

Subject: Permit Renewals #RP 1055 and #RP 3701

The above referenced Renewal Notices have been reviewed by this department. Portions of the property proposed as the new disposal site are located within the regulatory floodway as identified on the Federal Flood Hazard Boundary Maps. County zoning regulations prohibit the deposition of fill material within this floodway area. The floodway at the location of the proposed disposal site extends approximately 200 feet landward from the top of the bankline along Multnomah Channel. Based on the application materials provided, we are unable to determine whether any material is proposed to be disposed of in this area.

In order to avoid conflict with County floodplain management regulations, all material must be disposed of landward of the 200-foot wide floodway area.

If you have questions or need further information, please contact this office at 248-3833.

MS:sec/0618M

RECEIVED  
FEB 7 1986  
DIVISION OF STATE LANDS

SCHN00318734

Division of State Lands  
1445 State Street  
Salem, OR 97310  
Phone: 378-3059  
378-3805

Permit No. 1055 Renewal  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date February 28, 1987  
PN 004618;002646

SCHNITZER INVESTMENT COMPANY

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

NOTICE: If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Division of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Division of State Lands, Waterway Leasing Office, 378-3805.

Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson  
Authorized Signature

February 28, 1986  
Date Issued

SCHN00318735

ATTACHMENT A

Special Conditions for Material Removal Permit No. 1055

1. This permit authorizes the removal of up to 20,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, mile 3.6) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. Waste materials and spoils shall be placed above the bankline behind previously constructed berms in an approved upland disposal site.
4. There shall be no removal in the permit area between February 1 and May 15 nor between September 1 and September 30.
5. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
6. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

February 28, 1986



March 10, 1986

Dori Schnitzer  
Schnitzer Investment Corp  
3200 NW Yeon  
Portland OR 97210

Re: Permit Number RP 1055

Dear Ms. Schnitzer:

As a follow-up to a recent phone conversation on March 6, 1986, with Matt Spangler of Multnomah County Division of Planning and Development, we want to bring to your attention Condition No. 2 of Permit No. 1055, which states:

"This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit."

The county has indicated to our office that in order to avoid conflict with Multnomah County floodplain management regulations, all material must be disposed of landward of the 200-foot wide floodway area. Please contact Matt Spangler at 248-3383 for further details concerning the use of the proposed Multnomah channel disposal site.

If you have any questions please contact our office.

Sincerely,

William L. Parks  
Staff Biologist

WLP/tb  
0667f

cc: Matt Spangler, Multnomah County  
RP-3701

SCHN00318738

Division of State Lands  
1445 State Street  
Salem, OR 97310  
Phone: 378-3059  
378-3805

Per. No. 1055 - Renewal/Revised  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date February 28, 1987  
PN 004618; 002646

SCHNITZER STEEL PRODUCTS COMPANY

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
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5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
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Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson  
Authorized Signature

April 30, 1986  
Date Issued

SCHN00318739

ATTACHMENT A

Special Conditions for Material Removal Permit No. 1055

1. This permit authorizes the removal of up to 20,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, mile 3.6) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. Waste materials and spoils shall be placed above the bankline in an approved upland disposal site and not in any wetland areas. Upland disposal shall comply with Multnomah County's floodplain management regulations (Matt Spangler, phone: 248-3833).
4. Turbid waste waters from the project shall not be allowed to re-enter the waterway.
5. There shall be no removal in the permit area between February 1 and May 15 nor between September 1 and September 30.
6. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
7. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

April 30, 1986

SCHN00318740



## Division of State Lands

1600 STATE STREET SALEM, OREGON 97310 PHONE 378-3805

December 5, 1986

OREGON STATE  
LAND BOARD

VICTOR ATIEH  
Governor

BARBARA ROBERTS  
Secretary of State

BILL RUTHERFORD  
State Treasurer

RP 1055  
Schnitzer Investment Corp.  
ATTN: Dori Schnitzer  
3200 NW Yeon  
Portland, OR 97210

Your Removal-Fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do any additional work or have a change in your original plans, please complete the attached application and submit it, with the appropriate maps and/or drawings, to our office.

Please return this letter, indicating the action you wish to be taken.  
If there are any questions regarding the permit program or this renewal, please call the Environmental Permits Section at 378-3059.

Sincerely,

*Juan M. Payne*  
for Marge Akers  
Waterway Permit Specialist

MA:sp

Enclosures

-----  
PLEASE RESPOND BY: December 31, 1986

\_\_\_\_ Do Not  
Renew  
This Permit

X Please Renew  
This Permit  
(Fee Enclosed)

Permit No.: RP 1055  
Waterway: Willamette R.  
Expiration Date: 02/28/87  
Fee: \$100.00

RECEIVED  
DEC 9 1986

DIVISION OF STATE LANDS  
REMITTANCE \$ 100.00

SCHN00318741

Division of State Lands  
1600 State Street  
Salem, OR 97310  
Phone: 378-3059  
378-3805

Permit No. 1055 Renewal  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date February 28, 1992  
PN 004618

SCHNITZER STEEL PRODUCTS COMPANY

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

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Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson  
Authorized Signature

February 9, 1987  
Date Issued

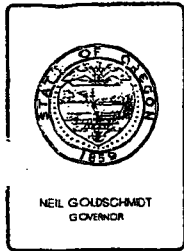
SCHN00318742

ATTACHMENT A

Special Conditions for Material Removal Permit No. 1055

1. This permit authorizes the removal of up to 20,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, mile 3.6) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. Waste materials and spoils shall be placed above the bankline in an approved upland disposal site and not in any wetland areas. Upland disposal shall comply with Multnomah County's floodplain management regulations (Matt Spangler, phone: 248-3833).
4. Turbid waste waters from the project shall not be allowed to re-enter the waterway.
5. There shall be no removal in the permit area between February 1 and May 15 nor between September 1 and September 30.
6. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
7. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

February 9, 1987



## Division of State Lands

1600 STATE STREET SALEM, OREGON 97310 PHONE (503) 378-3805

OREGON STATE  
LAND BOARD

NEIL GOLDSCHMIDT  
Governor

BARBARA ROBERTS  
Secretary of State

ANTHONY MEEKER  
State Treasurer

December 4, 1987

RP 1055  
Schnitzer Investment Corp.  
Attn: Dan Schnitzer  
3200 NW Yeon  
Portland, OR 97210

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee on or before the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call the Environmental Permit Section at 378-3059.

Sincerely,

*for: Laura M. Davis-Sanders*

Elizabeth J., Mitchell  
Permit Specialist

EM:ls

RECEIVED  
DEC 15 1987  
DIVISION OF STATE LANDS  
REMITTANCE \$100.00

PLEASE RESPOND BY: November 31, 1987

Permit No.: RP 1055  
Waterway: Willamette River  
Expiration Date: 2/28/92  
Fee: \$100.00

SCHN00318744

# SCHNITZER STEEL PRODUCTS CO.

INTERNATIONAL TERMINALS OPERATIONS  
12005 N. Burgard, Portland, OR 97203 (503) 288-5771



September 9, 1988

NOV 16 9 56 AM '88  
DIVISION OF  
STATE LANDS

U.S. Army Corps of Engineers  
Permit Section  
P.O. Box 2946  
Portland, OR 97208

Dear Sirs:

On 8/26/88 at 3:45 P.M., I spoke with Mr. Jim Turner about permits in our possession.

Our questions were in regard to whether or not we had to re-apply because we need to change our Spoils Disposal Sight. Mr. Turner assured us that we did not and that this letter would suffice in notifying the Corps of Engineers of our intention to place our Spoils in Ross Island's approved Up Land Disposal Sight.

Schnitzer Permit #071-OYA-1-00<sup>5</sup>733 Maintenance Dredging

Ross Island Permit #071-OYA-2-006303 Receive Spoils  
(Sand and Silt)

Thank you for your help in clearing up this matter.

Sincerely,

Rick Chance  
Dock Assistance

RC:hg

SCHN00318745



NT APPLICATION FOR PERMIT

U.S. ARMY CORPS OF ENGINEERS  
STATE OF OREGON, DIVISION OF STATE LANDS

WHEREAS Department of the Army permits for proposed work in or affecting navigable waters of the United States, the discharge of dredged or fill material into those waters, and the transport of dredged material for the purpose of dumping it into ocean waters are authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act of 1977, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, respectively, ---AND---permits for that part of those project activities which includes the removal or fill in the waterways of Oregon of rock, gravel, silt, and clay are authorized by the State of Oregon under O.R.S. 341.603 to 341.693---THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES.

For Agency Use Only	Corps of Engineers # <u>008231</u>	For Agency Use Only	State of Oregon # _____
	_____		_____
Date received _____		Date received _____	

Name of Waterway <u>Willamette</u>	River Mile <u>3.6</u>	Local Name <u>International Terminals</u>
Section <u>35</u>	Township <u>2N</u>	Range <u>1W</u>
Estimated Starting Date of Project <u>Nov - Dec, 1988</u>	Estimated Completion Date of Project _____	Range <u>Periodic Maintenance Dredging</u>

NAME OF APPLICANT <u>Schnitzer Investment Corp.</u>	AUTHORIZED AGENT <u>Bond Easley</u>
Address <u>3200 N.W. Yeon Ave.</u>	Address <u>12005 N. Burgard</u>
CITY, State, Zip Code <u>Portland, OR 97210</u>	CITY, State, Zip Code <u>Portland, OR 97203</u>
Phone: Work <u>503, 224-9900</u> Home _____	Phone: Work <u>503, 286-5771</u> Home _____

PROJECT SUPERVISOR <u>Bond Easley</u>	Phone: Work <u>503, 286-5771</u> Home <u>503, 626-9103</u>
PROPERTY OWNER IF OTHER THAN APPLICANT <u>Same as applicant</u>	PROJECT ADDRESS <u>12005 N. Burgard</u>
Address _____	CITY, County, State, Zip Code <u>Portland, Multnomah, OR</u>
CITY, State, Zip Code _____	Assessor's Records--
Phone: Work _____ Home _____	Shown on Map # _____ Tax Lot # _____
	Name of Subdivision _____ Lot _____ Block _____

In order to expedite the processing of this application, the following city and/or county department, which has local jurisdiction over the proposed project, has been contacted:

Name of Department: \_\_\_\_\_

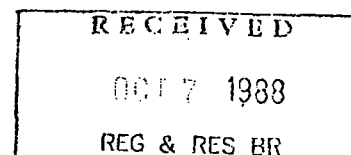
Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

APPROVALS OR CERTIFICATIONS applied for or already obtained from other agencies (Federal, interstate, state, county, city, area) for any of the proposed projects described in this application:

Issuing Agency	Type of Approval	Identification #	Date of Application	Date of Approval
Div. State Lands	Fill/Removal	RP 1055	3/14/73	2/21/82

Form 358  
OCT 1980  
141-31-04-80 Inclosure 1



SCHN00318746

Has any agency denied approval for the activity described herein or for any other activity directly related to it?  
☐ Yes ☒ No If yes, please explain in Remarks.

OWNING PROPERTY ON THE WATERWAY: Give names, addresses, and phone numbers of owners and/or occupants.

Port of Portland, foot of N. Lombard, Portland, OR 97203

Container Corporation of America, 12005 N. Burgard Rd., Portland, OR 97203

PLEASE EXPLAIN IN DETAIL your plans to restore the area to its natural condition.

Dredged area will fill naturally at which time Maintenance Dredging must be performed again.

INFORMATION FOR FILL OR REMOVAL:

FILL WILL INVOLVE None cubic yards annually, and None cubic yards for the total project.

☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organic

REMOVAL WILL INVOLVE 10,000 cubic yards annually, and 50,000 approx cubic yards for the total project.

☐ Rock ☐ Gravel ☒ Sand ☒ Silt ☐ Clay

DETAILED IN DETAIL THE PROPOSED ACTIVITY---its primary purpose and secondary purpose, if any,---intended use (private, public, commercial)---type of structures and use---type of vessels using facility---facilities for handling wastes---type of conveyance and manner of extraction of any fill or removal---the quantity and composition of, and the source and disposal sites for any fill or removal. (If additional space is needed, use plain sheet of paper.)

Perform periodic Maintenance Dredging to a minimum depth of 35 feet below zero mean low water, removing approximately 10,000 cubic yards of sand and silt per year.

The work is to be accomplished by Clam Shell Dredge with material barged and disposed of at mile 15 on Willamette River on Ross Island's Upland Disposal Site.

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that, to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

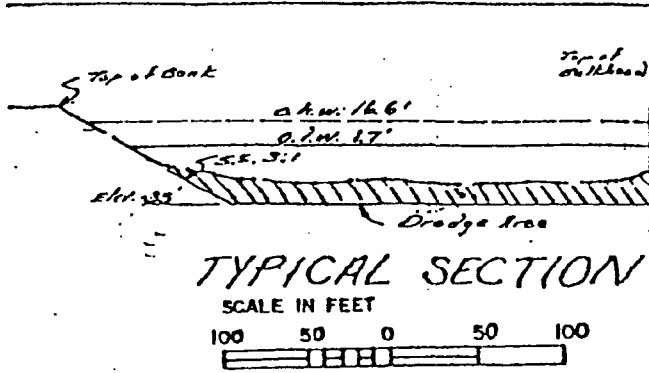


Signature of Applicant or Authorized Agent

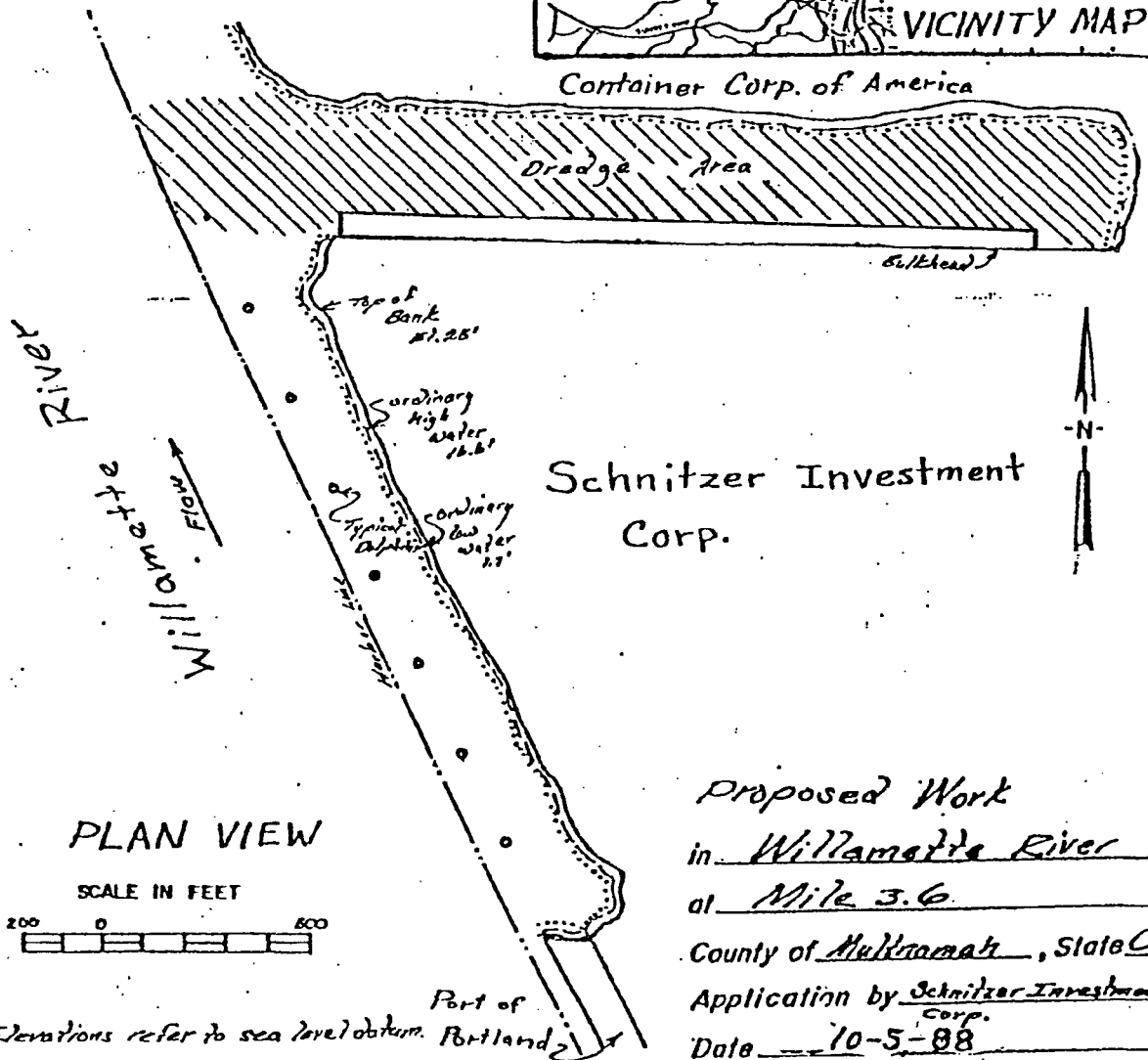
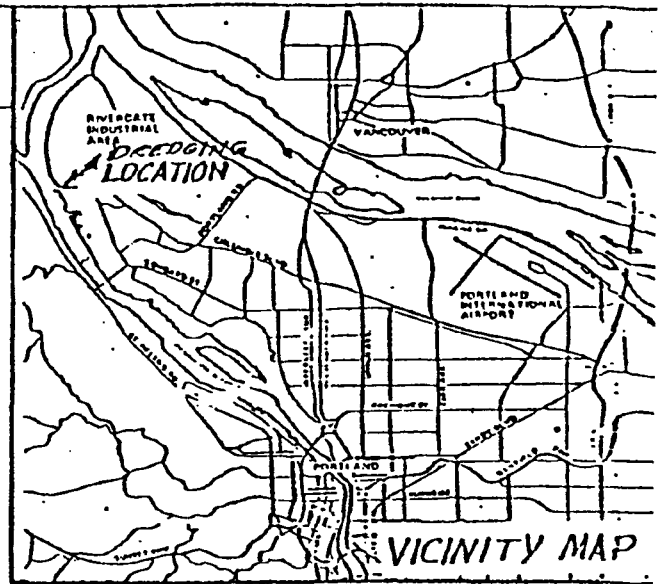
5 USC 1001 provides in part: "Whoever, in any manner within the jurisdiction of any department . . . of the United States knowingly and willfully falsifies . . . a material fact or makes any false . . . statement or . . . uses any false . . . document . . . shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

SCHN00318747

004618 (Willamette River-Dredging)



Long 122° 46' 30"  
Lat 45° 36' 38"



SCHN00318748

RP 1055



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208-2946

Reply to  
Attention of:

October 17, 1988

OFFICE OF  
STAFF  
OCT 18 8 35 AM '88

Planning Division (CENPP-PL-R)

Subject: 071-OYA-1-008231 (Willamette River - Maintenance Dredging)

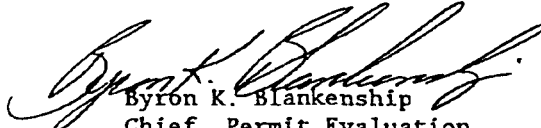
Schnitzer Investment Corporation  
3200 N.W. Yeon Ave.  
Portland, Oregon 97210

Gentlemen:

Your application for work in waters of the United States has been received. Please use the above application number on all future correspondence. Based upon the information you furnished, the fee for the proposed work is \$ 100.00 , payable to Finance and Accounting Officer, USAED, Portland, due when you are notified that the permit is approved for issuance.

If you have any questions regarding your application, please contact Jim Goudzwaard , Permit Evaluation Section, at the above address or telephone (503) 221-6995.

Sincerely,

  
Byron K. Blankenship  
Chief, Permit Evaluation  
Section

CF: ODSL w/appl.

MAY 88 (10.1)

SCHN00318749



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208-2946

Reply to  
Attention of:

November 3, 1988

*Bill*  
DIVISION OF  
STATE LANDS  
Nov 4 11 10 AM '88

Planning Division (CENPP-PL-R)

Subject: 071-OYA-1-008231 (Willamette River - Maintenance Dredging)

Schnitzer Investment Corporation  
ATTN: Bond Easly  
3200 NW. Yeon Avenue  
Portland, Oregon 97210

Dear Mr. Easly:

To assist us in evaluating your application, please provide the following information:

- a. A plan and cross-section drawing showing the exact location where the excavated material will be disposed.
- b. A detailed description of how material will be moved from the barge to disposal area.

As we have concerns about proper disposal of materials at the Ross Island site, we recommend you contact Ross Island to finalize your plans.

Once the requested information is provided, we will continue to process and evaluate your application. If you have any questions regarding your application, please contact Jim Goudzwaard, Project Manager, at the above address or telephone (503) 221-6995.

Sincerely,

Richard K. Johnson  
Chief, Environmental and Inspection  
Section

Copies Furnished:

ODSL ✓

SCHN00318750



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208-2946

Reply to  
Attention of:

November 8, 1988

Planning Division (CENPP-PL-R)

Subject: 071-OYA-1-008231 (Willamette River - Maintenance Dredging)

Schnitzer Investment Corporation  
3200 NW. Yeon Ave.  
Portland, Oregon 97210

Gentlemen:

This is to inform you of decisions that were made following a telephone conversation between Bond Easy of your firm and Jim Goudzwaard of our office on November 2, 1988 in reference to the subject project and other past dredging activities.

It appears that dredging or disposal of excavated material below ordinary high waters has been accomplished before your application for permit from the U.S. Army Corps of Engineers was issued. That would be a violation under Section 10 of the Rivers and Harbors Act, and Section 404 of the Clean water Act. This letter is to serve as a formal notice of an apparent violation. Please furnish us, within 30 days from the date of this letter, a written statement explaining the reason for doing work and any mitigating circumstances that prompted conduct of the work before a valid Department of the Army permit was issued.

We will hold your application, received October 7, 1988, in abeyance pending your formal response.

If you have any questions, please contact Don Weidinger, Permit Evaluation Section, at the above address or telephone (503) 221-6995.

Sincerely,

Richard K. Johnson  
Chief, Environmental and Inspection  
Section

Copies Furnished:  
U.S. Attorney  
✓ ODSL  
EPA (Seattle)  
EPA (Portland)  
DEQ  
ODFW  
DLCD  
Multnomah County Planning

*Bill* ✓  
*Ma-ga*  
*what happened?*  
*✓ w/ COT*  
*not sure!*  
*FT*

Nov 10 9 02 AM '88  
DIVISION OF  
STATE LANDS

SCHN00318751

# NT APPLICATION FOR PERMIT

## U.S. ARMY CORPS OF ENGINEERS STATE OF OREGON, DIVISION OF STATE LANDS

WHEREAS Department of the Army permits for proposed work in or affecting navigable waters of the United States, the discharge of dredged or fill material into those waters, and the transport of dredged material for the purpose of dumping it into ocean waters are authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act of 1977, and Section 101 of the Marine Protection Research and Sanctuaries Act of 1972, respectively, ---AND--- permits for that part of those project activities which includes the removal or fill in the waterways of Oregon of rock, gravel, silt, and clay are authorized by the State of Oregon under O.R.S. 541.605 to 541.695---THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES.

For Agency Use Only	Corps of Engineers # <u>008231</u>	For Agency Use Only	State of Oregon # _____
	_____		_____
	Date received _____		Date received _____

Name of Waterway <u>Willamette</u>	River Mile <u>3.6</u>	Local Name <u>International Terminals</u>
Section <u>35</u>	Township <u>2N</u>	Range <u>1W</u>
Estimated Starting Date of Project <u>Nov - Dec, 1988</u>	Estimated Completion Date of Project _____	Project <u>Periodic Maintenance Dredging</u>

NAME OF APPLICANT <u>Schnitzer Investment Corp.</u>	AUTHORIZED AGENT <u>Bond Easley</u>
Address <u>3200 N.W. Yeon Ave.</u>	Address <u>12005 N. Burgard</u>
City, State, Zip Code <u>Portland, OR 97210</u>	City, State, Zip Code <u>Portland, OR 97203</u>
Phone: Work <u>503, 224-9900</u> Home <u>( )</u>	Phone: Work <u>503, 286-5771</u> Home <u>( )</u>

PROJECT SUPERVISOR <u>Bond Easley</u>	Phone: Work <u>503, 286-5771</u> Home <u>503, 626-9103</u>
---------------------------------------	--

PROPERTY OWNER IF OTHER THAN APPLICANT <u>Same as applicant</u>	PROJECT ADDRESS <u>12005 N. Burgard</u>
Address _____	City, County, State <u>Portland, Multnomah, OR</u>
City, State, Zip Code _____	Zip Code _____
Assessor's Records-- Shown on Map # _____ Tax Lot # _____	Name of Subdivision _____ Lot _____ Block _____
Phone: Work <u>( )</u> Home <u>( )</u>	

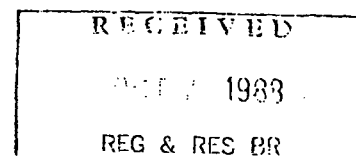
In order to expedite the processing of this application, the following city and/or county department, which has local jurisdiction over the proposed project, has been contacted:

Name of Department: _____
Address: _____
Phone Number: _____

APPROVALS OR CERTIFICATIONS applied for or already obtained from other agencies (Federal, interstate, state, county, city, area) for any of the proposed projects described in this application:

Issuing Agency	Type of Approval	Identification #	Date of Application	Date of Approval
Div. State Lands	Fill/Removal	RP 1055	3/14/73	2/21/82

NPP Form 358  
OCT 1980  
141-31-04-80 Inclosure 1



SCHN00318752

Has any agency denied approval for the activity described herein or for any other activity directly related to it?  
☐ Yes ☒ No If yes, please explain in Remarks.

ALL RENEWING PROPERTY ON THE WATERWAY: Give names, addresses, and phone numbers of owners and/or occupants.

Port of Portland, foot of N. Lombard, Portland, OR 97203

Container Corporation of America, 12005 N. Burgard Rd., Portland, OR 97203

PLEASE EXPLAIN IN DETAIL your plans to restore the area to its natural condition.

Dredged area will fill naturally at which time Maintenance Dredging must be performed again.

INFORMATION FOR FILL OR REMOVAL:

FILL WILL INVOLVE None cubic yards annually, and None cubic yards for the total project.

☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organic

REMOVAL WILL INVOLVE 10,000 cubic yards annually, and 50,000 approx cubic yards for the total project.

☐ Rock ☐ Gravel ☒ Sand ☒ Silt ☐ Clay

DESCRIBE IN DETAIL THE PROPOSED ACTIVITY---its primary purpose and secondary purpose, if any,---intended use (private, public, commercial)---type of structures and use---type of vessels using facility---facilities for handling wastes---type of conveyance and manner of extraction of any fill or removal---the quantity and composition of, and the source and disposal sites for any fill or removal. (If additional space is needed, use plain sheet of paper.)

Perform periodic Maintenance Dredging to a minimum depth of 35 feet below zero mean low water, removing approximately 10,000 cubic yards of sand and silt per year.

The work is to be accomplished by Clam Shell Dredge with material barged and disposed of at mile 15 on Willamette River on Ross Island's Upland Disposal Site.

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that, to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

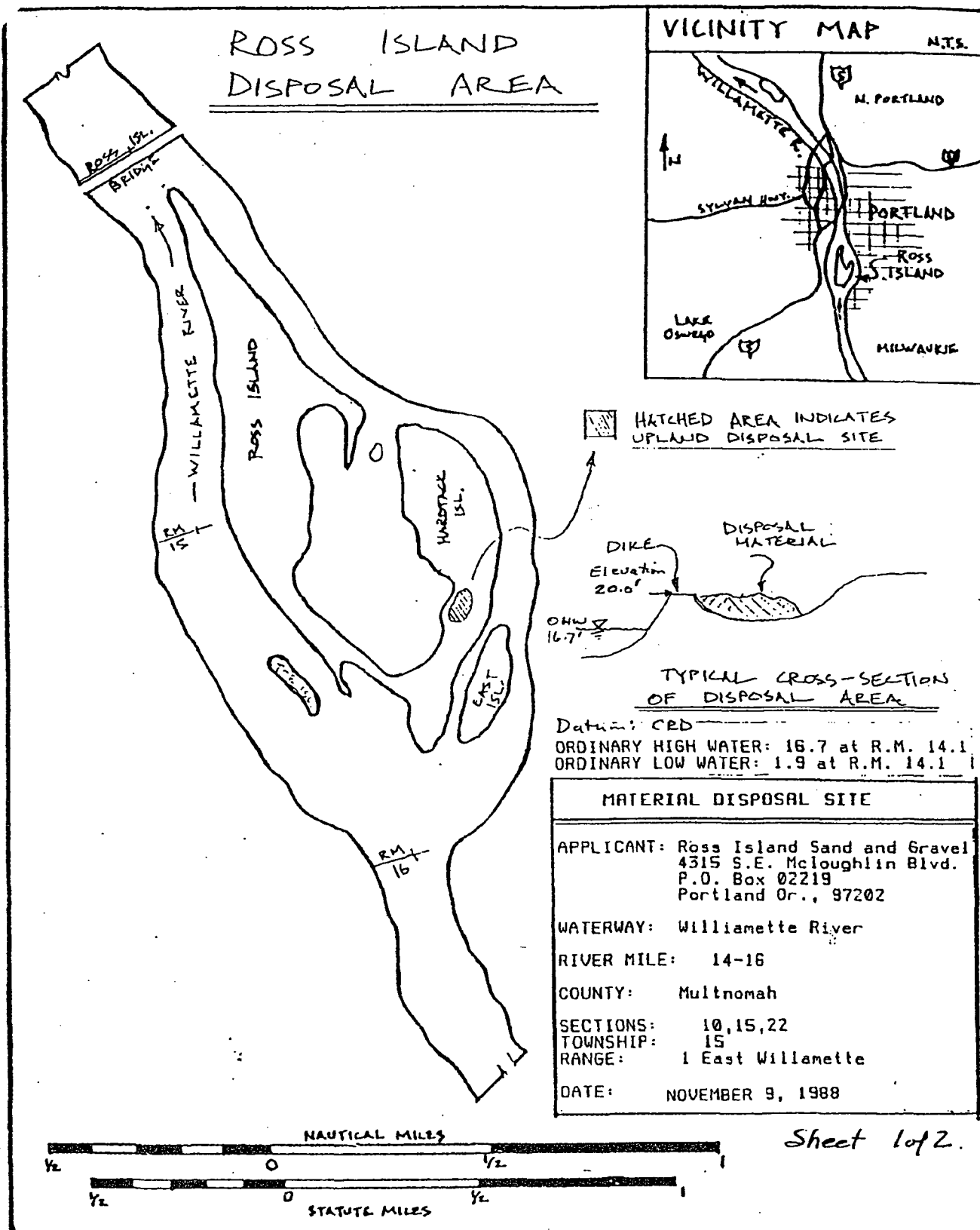


Signature of Applicant or Authorized Agent

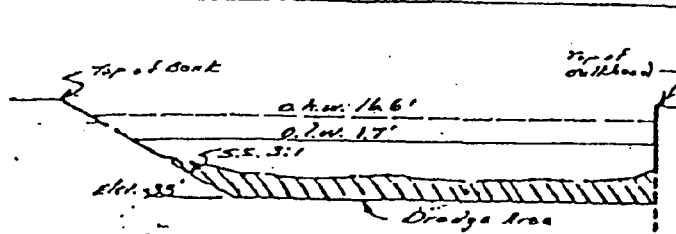
5 USC 1001 provides in part: "Whoever, in any manner within the jurisdiction of any department . . . of the United States knowingly and willfully falsifies . . . a material fact or makes any false . . . statement or . . . uses any false . . . document . . . shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

SCHN00318753



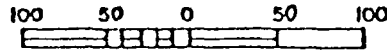


008231 (Willamette River - Maintenance Dredging)

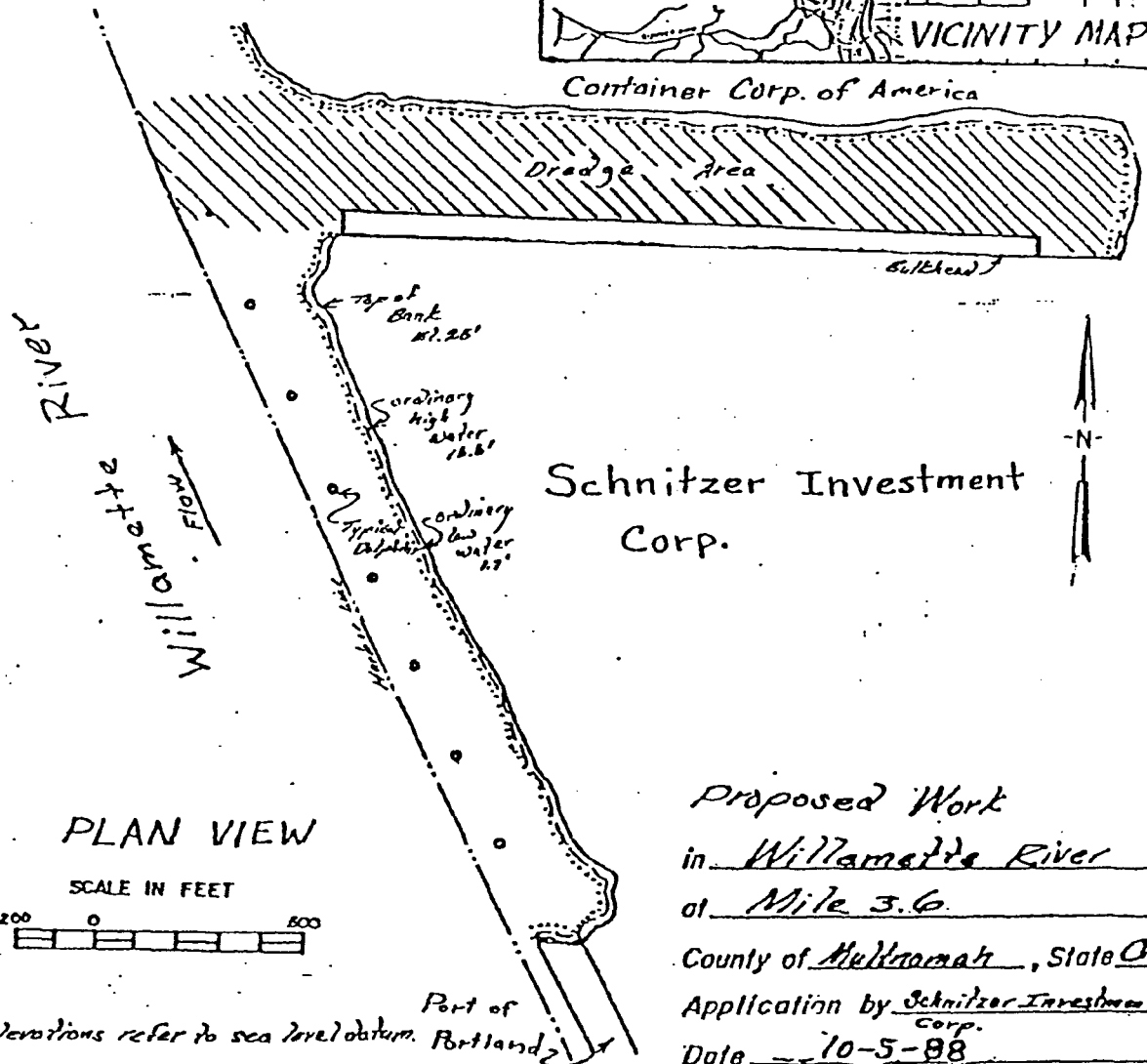
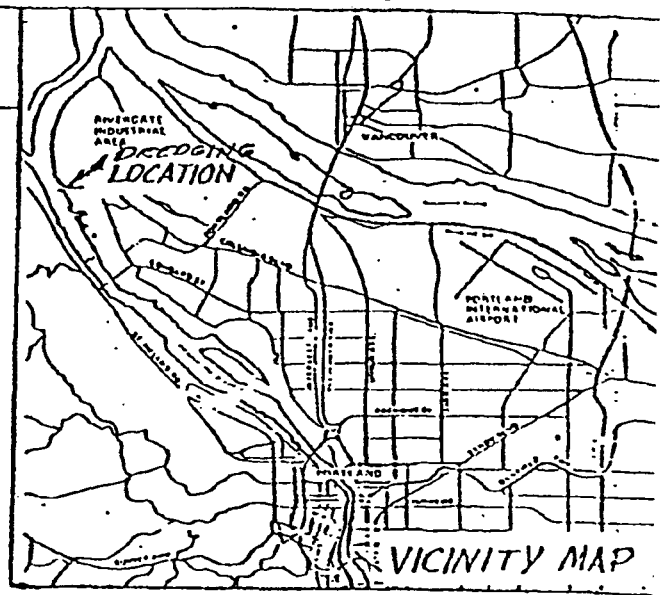


TYPICAL SECTION

SCALE IN FEET

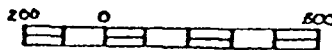


Long 122°46'30"  
Lat 45°36'38"



PLAN VIEW

SCALE IN FEET



Note: Elevations refer to sea level datum. Portland

Proposed Work  
in Willamette River  
at Mile 3.6  
County of Multnomah, State of Or.  
Application by Schnitzer Investment Corp.  
Date 10-5-88

Sheet 2 of 2

# SCHNITZER STEEL PRODUCTS CO.

INTERNATIONAL TERMINALS OPERATIONS  
12005 N. Burgard, Portland, OR 97203 (503) 286-5771



November 10, 1988

U.S. Army Corps of Engineers  
Planing Division (CENPP-PL-R)  
Portland, District  
P.O. Box 2946  
Portland, OR 97208-2946

Attn: Mr. Jim Goudzwaard

Subject: 071-OYA-1-008231  
(Willamette River Maintenance Dredging)

Dear Sir:

On November 3, 1988, we received from your office a letter requesting information regarding our application for dredging our main cargo berths:

1. Cross Section Drawing showing the exact location where spoils are to be disposed of. (see attached drawing)
2. Description of how spoils will be removed from barge and placed on upland site.

Spoils are removed from barge via crane rigged with clam bucket and placed behind dike at which point bulldozers push material above flood plain.

We sincerely hope this information will be sufficient in answering your questions.

If we can be of any further assistance, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Bond Easley'.

Bond Easley  
Terminal Operations Manager

BE:hg

Attachment

SCHN00318756



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208-2946

Reply to  
Attention of:

November 17, 1988

Planning Division (CENPP-PL-R)

Subject: 071-OYA-1-008231 (Willamette River - Maintenance Dredging)

Schnitzer Investment Corporation  
ATTN: Bond Easley  
3200 NW. Yeon Ave.  
Portland, Oregon 97210

Dear Mr. Easley:

We have reviewed your application (Enclosure 1) for maintenance dredging at mile 3.6 of the Willamette River near Portland, Multnomah County, Oregon. The work consists of maintenance dredging to -35 feet NGVD, Berths 1 and 2 located as shown on sheet 1 of 2 of the attached drawings. An estimated 10,000 cubic yards of sand and silt will be removed annually until June 30, 1990. Work will be accomplished by clam shell dredge with material barged and disposed at an upland site on Ross Island shown on sheet 2 of 2 of the attached drawings. Spoils will be off-loaded by use of a crane rigged with clam bucket, placed behind the dike, and spread by bulldozer.

Your project will qualify for authorization under Regional Permit No. 071-OYA-2-004387 (Enclosure 2), subject to the terms and conditions, providing you secure a State Fill/Removal Permit from the Oregon Division of State Lands (ODSL), and providing no objections are received from Federal resource agencies. If your project fails to be permitted by ODSL, or if a Federal resource agency objects to authorization under the Regional Permit, processing of an individual permit application will be required if you wish to pursue authorization.

If you have any questions regarding the authorization of your project or the terms and conditions of the attached Regional Permit, please contact Jim Goudzwaard, Project Manager, at the above address or telephone 221-6995.

Sincerely,

Richard K. Johnson  
Chief, Environmental and Inspection  
Section

Enclosures

Copies Furnished:  
ODSL w/Enc 1

SCHN00318757



## Division of State Lands

1600 STATE STREET SALEM, OREGON 97310 PHONE (503) 378-3805

OREGON STATE  
LAND BOARD

NEIL GOLDSCHMIDT  
Governor

BARBARA ROBERTS  
Secretary of State

ANTHONY MEEKER  
State Treasurer

### MEMORANDUM

#### NOTICE OF REGIONAL OR GENERAL PERMIT ACTION

DATE: November 28, 1988

FROM: Environmental Permit Unit

TO: \_\_\_\_\_ U.S. Army Corps of Engineers  
\_\_\_\_\_ U.S. Environmental Protection Agency  
\_\_\_\_\_ U.S. Fish and Wildlife Service  
\_\_\_\_\_ National Marine Fisheries Service

Corps Regional Permit No: 071-OYA-2-004387

Corps Project Number No: 071-OYA-1-008231

DSL Permit No: RP 1055

Response Due by December 28, 1988

The attached permit application has been proposed for authorization under Portland District Corps of Engineers regional or general permit. Please review the application under the processing conditions of the above federal permit authorization.

Further information may be obtained from:

Corps Coord: Jim Goudzwaard Phone: 221-6995

DSL Coord: Marge Akers Phone: 378-3059

#### Notes:

This proposal is presently covered under state permit no. RP 1055 and was previously authorized under Corps Permit No. 071-OYA-1-004618.

#### COMMENTS:

SCHN00318758



DEC 9 1988

## Division of State Lands

1600 STATE STREET SALEM, OREGON 97310 PHONE (503) 378-3805

DECEMBER 7, 1988

OREGON STATE  
LAND BOARD

NEIL GOLDSCHMIDT  
Governor

BARBARA ROBERTS  
Secretary of State

ANTHONY MEEKER  
State Treasurer

RP 1055  
Schnitzer Investment Corp.  
3200 NW Yeon  
Portland, OR 97210

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee on or before the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call the Environmental Permit Section at 378-3059.

Sincerely,

*Carolyn Edmonds*  
for Lorna M. Hobbs-Sanders  
Permit Specialist

LHS/cre

-----  
PLEASE RESPOND BY: DECEMBER 30, 1988

APPROVED \_\_\_\_\_  
ACCT.# \_\_\_\_\_  
PORTLAND

DEC 9 1988

RECEIVED \_\_\_\_\_

Permit No.: RP 1055  
Waterway: Willamette R.  
Expiration Date: 02/28/92  
Fee: \$100.00

RECEIVED  
DEC 16 1988

DIVISION OF STATE LANDS  
REMITTANCE \$ 100.00

SCHN00318759



## Division of State Lands

1600 STATE STREET, SALEM, OREGON 97310 PHONE (503) 378-3805

December 22, 1989

OREGON STATE  
LAND BOARD

NEIL GOLDSCHMIDT  
Governor

BARBARA ROBERTS  
Secretary of State

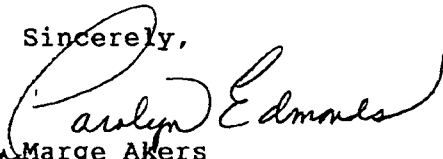
ANTHONY MEEKER  
State Treasurer

RP 1055  
ATTN: Dori Schnitzer  
Schnitzer Investment Corp.  
3200 NW Yeon  
Portland, OR 97210

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee on or before the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call the Environmental Permits Section at 378-3059.

Sincerely,

  
for Marge Akers  
Permits Issuance Supervisor

MA/cre

-----  
PLEASE RESPOND BY: January 5, 1990

Permit No.:	RP 1055
Waterway:	Willamette R.
Expiration Date:	2/28/92
Fee:	\$150.00

✓ RECEIVED

DEC 29 1989

DIVISION OF STATE LANDS  
REMITTANCE \$

150.<sup>00</sup>

RECEIVED DEC 27 1989

SCHN00318760



## Division of State Lands

775 SUMMER STREET, SALEM, OREGON 97310 PHONE (503) 378-3805

December 7, 1990

OREGON STATE  
LAND BOARD

NEIL GOLDSCHMIDT  
Governor

BARBARA ROBERTS  
Secretary of State

ANTHONY MEEKER  
State Treasurer

RP 1055  
ATTN: Dori Schnitzer  
Schnitzer Investment Corp.  
3200 NW Yeon  
Portland, OR 97210

119  
150-00

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee on or before the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call the Environmental Planning and Permits Section at 378-3805.

-----  
PLEASE RESPOND BY: December 31, 1990

Permit No.: RP 1055  
Waterway: Willamette R.  
Expiration Date: 2/28/92  
Fee: \$150.00

SCHN00318761





DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208-2946

Reply to  
Attention of:

October 18, 1991

Planning and Engineering Division

SUBJECT: Application ID No. 91-00099

Schnitzer Investment Corp.  
International Terminals  
c/o Stan Burton  
12005 Burgard Rd.  
Portland, Oregon 97203

Dear Mr. Burton:

Your application for maintenance dredging at mile 3.6 of the Willamette River has been received. Please use the above application number on all future correspondence.

If you have any questions regarding your application, please contact me at the above address or telephone 326-6995.

Sincerely,

Judy L. Linton  
Permit Evaluator  
Regulatory and Environmental  
Resource Branch

Copies Furnished:

ODSL

file  
RP1055

012 11-11-91  
10:10:00

SCHN00318762



U S Army Corps  
of Engineers  
Portland District

# JOINT PERMIT APPLICATION FORM

THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES



AGENCIES WILL ASSIGN NUMBERS

Corps of Engineers Number  
Date Received **OCT 18 1991**

199100099

Oregon Division of State Lands Number RP1055  
Date Received

District Engineer  
ATTN: CENPP-PE-RP  
P O Box 2946  
Portland, OR 97208-2946  
503/326-6995

State of Oregon  
Division of State Lands  
775 Summer Street NE  
Salem OR 97310  
503/378-3805

① Applicant Name Schnitzer Investment Corp. business phone # (503) 286-6907  
and Address C/O Stan Burton home phone #  
12005 Burgard Rd, Portland, OR 97203

○ Authorized Agent Stan Burton business phone # (503) 286-6907  
○ Contractor International Terminals home phone #  
Name and Address As above

Property Owner (if different than applicant) AS ABOVE business phone #  
Name and Address home phone #

## ② PROJECT LOCATION

Street, Road or other descriptive location International Terminals 12005 N. Burgard Rd Portland, OR 97203	Legal Description			
	Quarter	Section	Township	Range
In or Near (City or Town) Portland	Tax Map #		Tax Lot #	
County Multnomah	Waterway Willamette		River Mile 3.6	

Is consent to enter property granted to the Corps and the Division of State Lands? ☒ Yes ☐ No

## ③ PROPOSED PROJECT INFORMATION

Activity Type: ☐ Fill ☐ Excavation (removal) ☐ In-Water Structure ☒ Maintain/Repair an Existing Structure  
Brief Description: Maintenance Dredging

Fill will involve \_\_\_\_\_ cubic yards annually and/or \_\_\_\_\_ cubic yards for the total project

Fill will be ☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organics ☐ Other \_\_\_\_\_

Fill Impact Area is \_\_\_\_\_ Acres; \_\_\_\_\_ length; \_\_\_\_\_ width; \_\_\_\_\_ depth

Removal will involve <sup>20,000</sup> See Remarks cubic yards annually and/or 50,000 cubic yards for the total project

Removal will be ☐ Riprap ☐ Rock ☐ Gravel ☒ Sand ☒ Silt ☐ Clay ☐ Organics ☐ Other \_\_\_\_\_

Removal Impact Area is <sup>See Diagram</sup> \_\_\_\_\_ Acres; Varies length; Varies width; Varies depth

Estimated Start Date November '91 Estimated Completion Date Nov/Dec '91

Will any material, construction debris, runoff, etc. enter a wetland or waterway? ☐ Yes ☒ No

If yes, describe the type of discharge and show the discharge location on the site plan.

SCHN00318763

④

**PROPOSED PROJECT PURPOSE & DESCRIPTION**

Project Purpose and Need:

Increase and maintain depth of water (to -35 ft below 0 datum) in approaches and alongside existing vessel berths, Nos 1, 2 and 3. (See Plan)

Project Description:

Dredge Slipway and remove Sand/Silt to disposal site (Ross Island). Approx. 50,000 CuYds over five year period. Approx. 20,000 CuYds first year and balance over remaining four years.

The new disposal options are shown on ~~Enclosure 2~~ <sup>Sheet 2 of 3</sup>. Both sites are located on Schnitzer property and are upland. Site 1 would be bermed and levelled for use as an industrial storage area. About 10,000 cubic yards (cy) of material could be placed at this site. Placement of material at Site 2 would also be for the purpose of levelling the property for future industrial use. This site could hold the entire 20,000 cy proposed to be dredged the first year. Placement of material at the Ross Island upland site, identified in the public notice, remains a disposal option.

How many project drawing sheets are included with this application? 3

NOTE: A complete application must include drawings and a location map submitted on separate 8 1/2 X 11 sheets.

⑤

**PROJECT IMPACTS AND ALTERNATIVES**

Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland.

Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland.

NOTE: If necessary, use additional sheets.

⑥

**MISCELLANEOUS INFORMATION**

Adjoining Property Owners:

Port of Portland, Foot of N. Lombard St. Portland  
ORE. 97203  
Container Corp of America, 12005 N. Burgard Rd. Portland  
ORE. 97203

List all other approvals or certificates received, applied for, or denied that are related to this application.

Issuing Agency	Type of Approval	Identification Number	Dates of application / Approval / Denial
COE	Extension	071-OYA-2-004387	9-9-88 11-17-88
DSL	"	RP-1055	3-14-73 12-28-89

(Expires 2-28-92)

SCHN00318764

⑦

**CITY / COUNTY PLANNING DEPARTMENT AFFIDAVIT**  
(to be completed by local planning official)

- ☐ This project is not regulated by the local comprehensive plan and zoning ordinance.
- ☐ This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.
- ☐ This project has been reviewed and is not consistent with the local comprehensive plan and zoning ordinance.
- ☐ Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:

- ☐ Conditional Use Approval
- ☐ Plan Amendment
- ☐ Other \_\_\_\_\_

- ☐ Development Permit
- ☐ Zone Change

An application ☐ has ☐ has not been made for local approvals checked above.

\_\_\_\_\_  
Signature (of local planning official)

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

⑧

**COASTAL ZONE CERTIFICATION**

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement which will be forwarded to the Oregon Department of Land Conservation and Development for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 1175 Court Street NE, Salem, Oregon 97310 or call 503/373-0050.

**Certification Statement**

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

⑨

**SIGNATURE FOR JOINT APPLICATION  
(REQUIRED)**

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that local permits may be required before the state removal-fill permit is issued. I understand that payment of the required state processing fee does not guarantee permit issuance.

Stan Burtin (for SHIMIZU INVESTMENT CORP)

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

I certify that I may act as the duly authorized agent of the applicant.

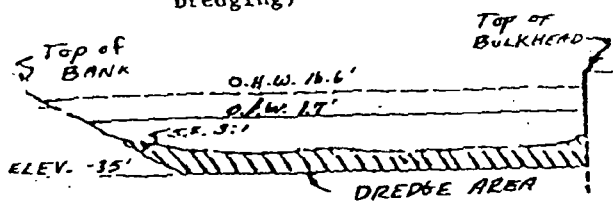
Stan Burtin

\_\_\_\_\_  
Authorized Agent Signature

\_\_\_\_\_  
Date

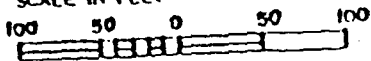
SCHN00318765

91-00099 (Willamette River - Maintenance Dredging)

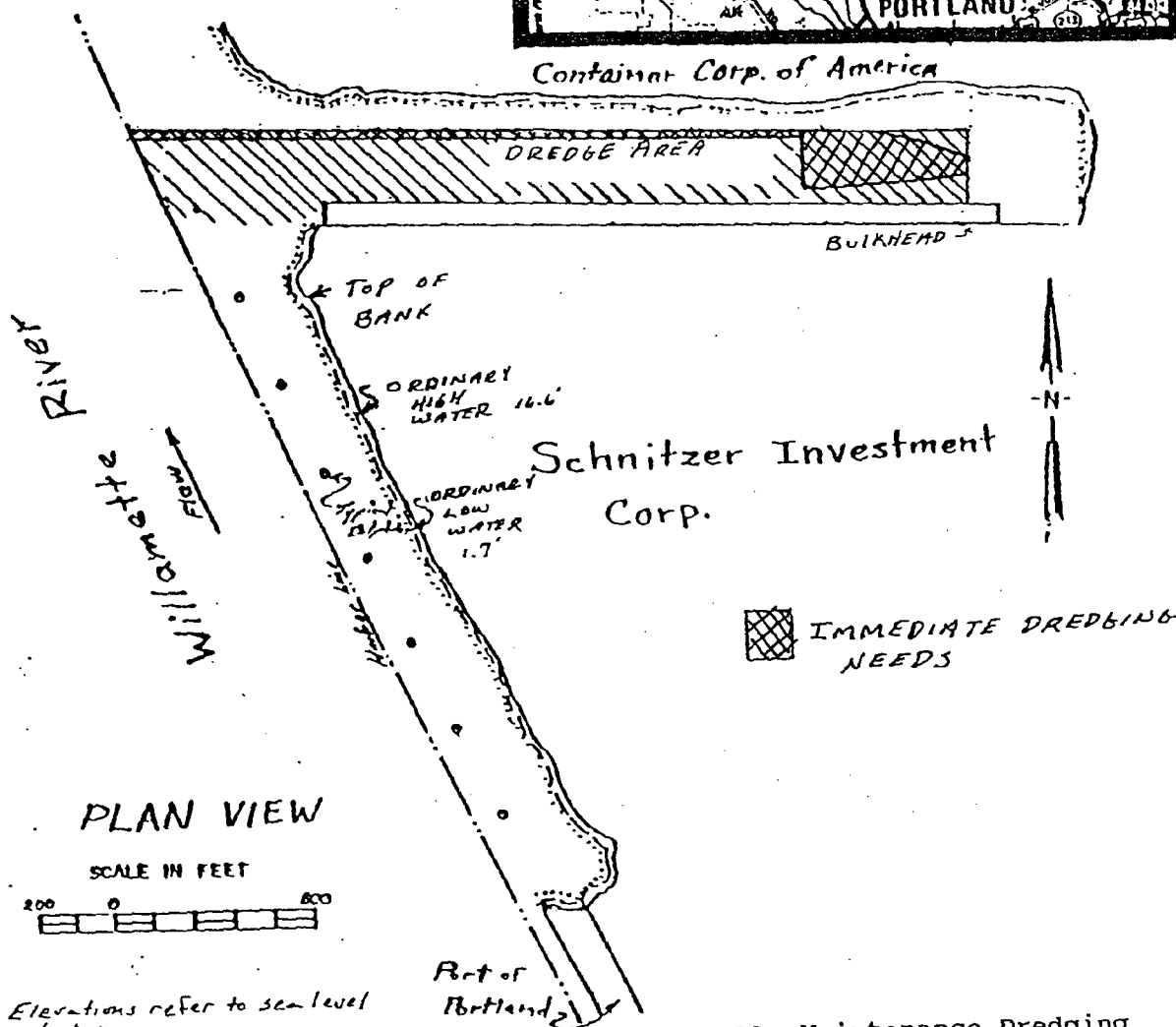
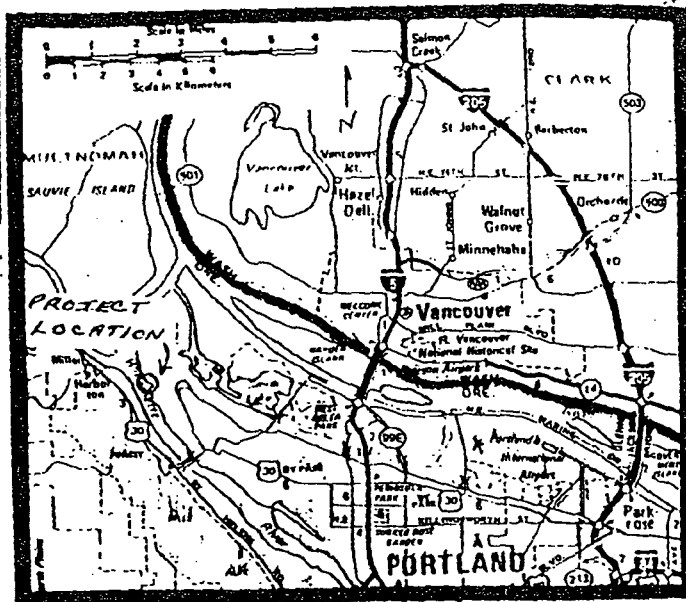


TYPICAL SECTION

SCALE IN FEET



Long 122° 46' 30"  
Lat 45° 36' 38"

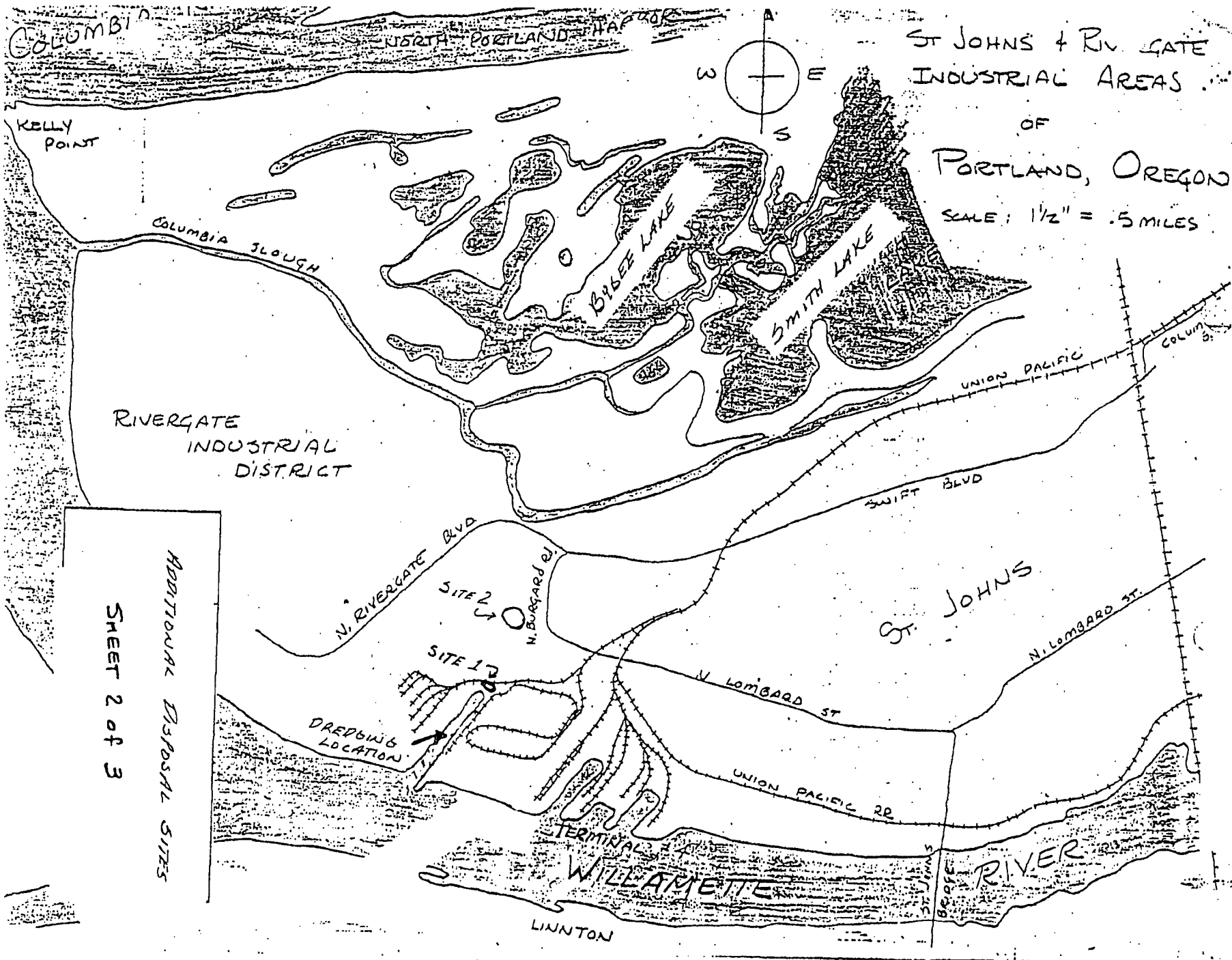


Note: Elevations refer to sea level datum

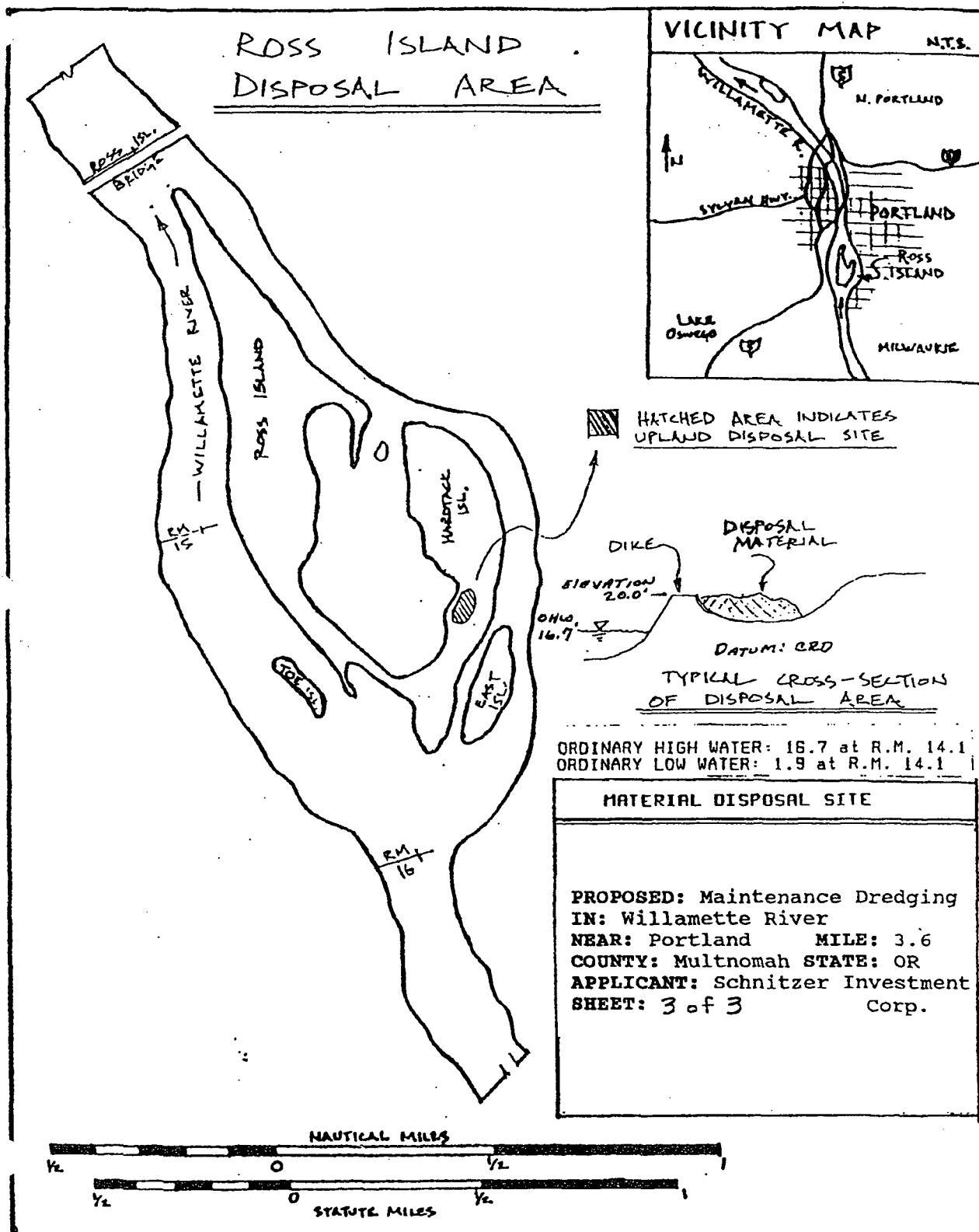
PROPOSED: Maintenance Dredging  
IN: Willamette River  
NEAR: Portland MILE: 3.6  
COUNTY: Multnomah STATE: OR  
APPLICANT: Schnitzer Investment Corp.  
SHEET: 1 of 3

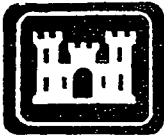
ENCL 1

SCHN00318766



SCHN00318767





US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE FOR PERMIT APPLICATION

Issue Date: October 24, 1991

Expiration Date: November 14, 1991

Corps of Engineers Action ID: 199100099

Oregon Division of State Lands Number: RP - 1055

20 Day Notice

Interested parties are hereby notified that application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**COMMENTS:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CENPP-PE-RP (Judy L. Linton)  
P.O. Box 2946  
Portland, Oregon 97208-2946

**APPLICANT:** Schnitzer Investment Corporation

**LOCATION:** Willamette River, Mile 3.6 (Section 35, T2N, R1W), Portland, Multnomah County, Oregon.

**PROJECT DESCRIPTION:** Perform maintenance dredging in the slipway approach and alongside existing vessel berths 1, 2, and 3. The applicant requests a five (5) year permit, with approximately 20,000 cubic yards (cy) of sand/silt removed the first year and a total of 30,000 cy removed over the remaining four (4) years. Material will be removed to a depth of -35 feet NGVD by clam shell dredge with material barged and disposed at an upland site on Ross Island (sheet 2 of 2).

This work was last authorized under Regional Permit 071-OYA-2-004387 which allows annual removal of up to 10,000 cy of material for maintenance dredging associated with an existing facility. The project number for this authorization was 071-OYA-1-008231.

**PURPOSE:** Maintain existing vessel berths.

**DRAWINGS:** Two sheets marked 91-00099 (Willamette River - Maintenance Dredging)

**ADDITIONAL INFORMATION:** Additional information may be obtained from Mr. Stan Burton, Schnitzer Steel Products Co., International Terminals, 12005 N. Burgard Rd., Portland, Oregon 97203, telephone (503) 286-6907; or by telephoning Judy L. Linton, Permit Evaluator, U.S. Army Corps of Engineers at (503) 326-6995.

SCHN00318769



CENPP-PE-R  
PN: 91-00099

**AUTHORITY:** This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

**SPECIAL CONDITIONS:** The requested permit, if issued, shall be subject in part to the following conditions:

- a. Work in the waterway shall be done so as to minimize turbidity increases in the water that tend to degrade water quality and damage aquatic life.
- b. Land disposal of dredged material shall be accomplished behind adequately maintained protective berms, which will prevent the material from returning to the waterway.
- c. If a bucket dredge of any type, including but not limited to grab or clamshell, dipper, dragline, or backhaul bucket, is used, all digging passes of the bucket shall be completed without any material, once in the bucket, being returned to the wetted area.
- d. When the District Engineer has been notified by a fishery agency that a filling activity is adversely affecting fish or wildlife resources or the harvest thereof, and when the District Engineer subsequently directs remedial measures, the permittee shall comply with such directions as may be received to suspend or modify the activity, to the extent required to mitigate or eliminate the adverse effect.
- e. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**ENDANGERED SPECIES:** Preliminary determinations indicate that the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

**CULTURAL RESOURCES:** The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office.

Dredging

Top of BANK

O.H.W. 16.6'

O.H.W. 17'

S.T.E. 3:1

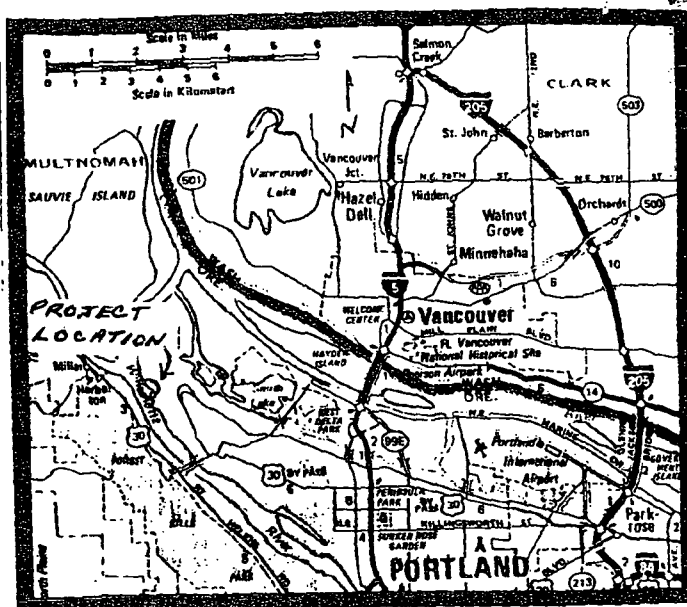
ELEV. -35'

TOP OF BULKHEAD

SCALE IN FEET



Long 122° 46' 30"  
Lat 45° 36' 38"



Container Corp. of America

DREDGE AREA

BULKHEAD 3

TOP OF  
BANK

ORDINARY  
HIGH  
WATER 16.6'

ORDINATE:  
LOW  
WATER  
1.7'

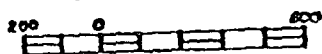
Schnitzer Investment Corp.

River

Williamette Flow

PLAN VIEW

**SCALE IN FEET**



Note: Elevations refer to sea level datum

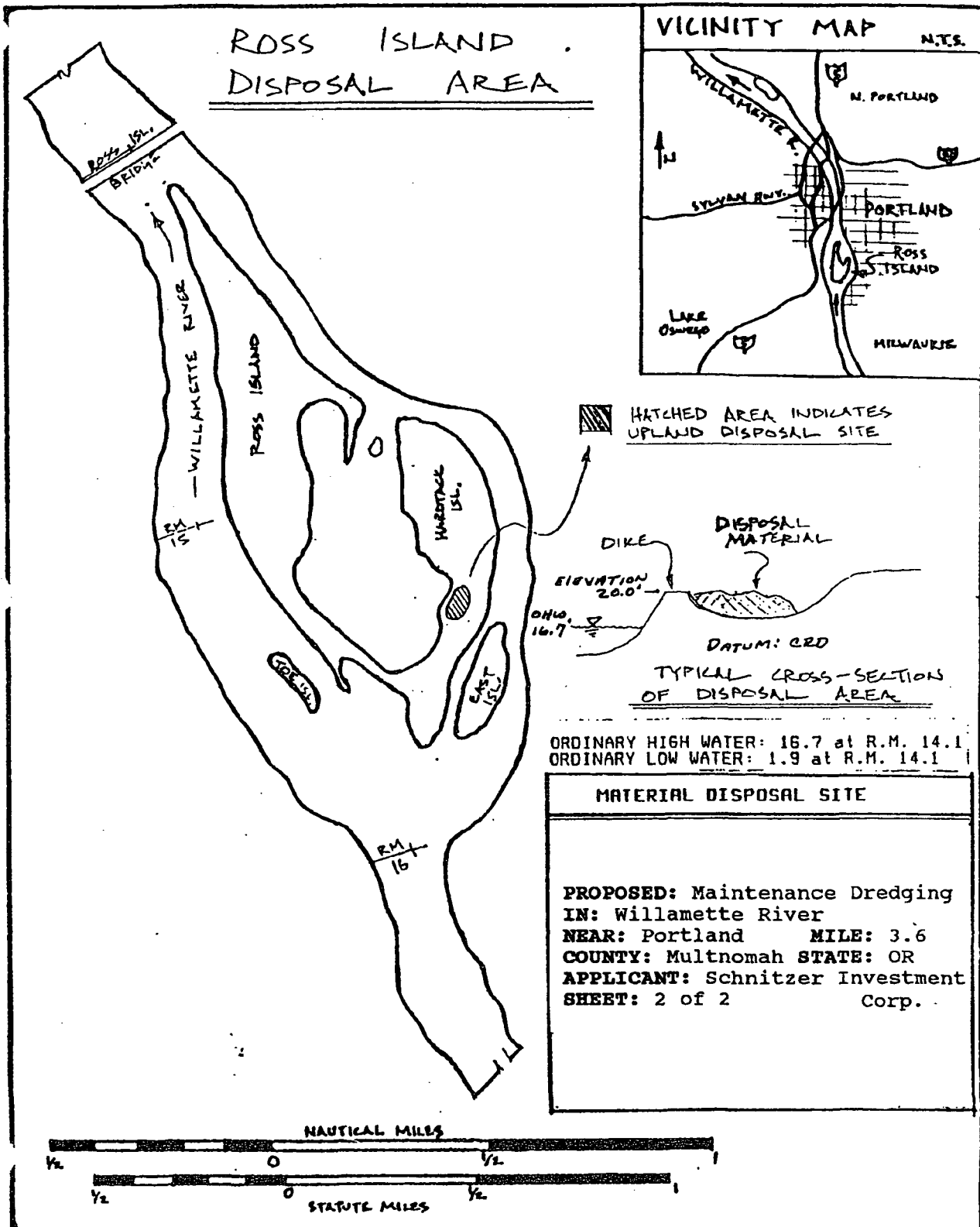
Port of  
Portland, Me

**PROPOSED:** Maintenance Dredging  
**IN:** Willamette River  
**NEAR:** Portland **MILE:** 3.6  
**COUNTY:** Multnomah **STATE:** OR  
**APPLICANT:** Schnitzer Investment Corp.  
**SHEET:** 1 of 2

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or and Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**ADDITIONAL REQUIREMENTS:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.





**DIVISION OF STATE LANDS**  
**Waterway Project Permit Review**

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☎ 378-3805

Date: October 31, 1991

**RECEIVED**

**NOV 6 1991**

**NATURAL RESOURCES  
DIVISION**

Corps Public Notice No.: 199100099

State Permit No.: RP 1055

Corps Coordinator: Judy Linton (326-6995)

DSL Coordinator: Marge Akers (378-3805)

Applicant: Schnitzer Investment Corporation

Please return comments to the Division of State Lands by: November 14, 1991

Application involves:

- ☐ Structure    ☐ Fill    ☒ Removal    ☐ Riprap    ☐ Wetlands  
☐ Coastal Zone    ☐ Willamette Greenway    ☒ LWRMP    ☐ Scenic Waterway

6/w mult

Notice of Permit Application

The attached proposal has been received for work within the waters of the State of Oregon. If you wish to make written comment on the proposed project, please use this form or attach comments and return it to us. This form is a self-addressed mailer for your convenience. Please affix the proper postage. A public hearing may be requested within 25 days from the date of this notice. If a public hearing is requested, the director of the Division of State Lands will decide whether a public hearing will be held based on the merits of the request and the level of public interest.

**THIS NOTICE IS NOT A PERMIT**

I have reviewed the attached information and offer the following comments:

- ☐ A \_\_\_\_\_ permit is required by this agency.  
☐ We do not believe the project would have an adverse effect.  
☐ We believe the effects of the project, although measurable, would be acceptable.  
☐ We believe the project would be acceptable if methods of construction or design were altered as listed below.  
☐ We would attend a conference with the applicant to seek project alternatives.  
☐ The project is unacceptable as proposed. (Please explain below.)  
☒ We have no comment.

COMMENTS:

Agency: Natural Resources By: John McElroy Date: 12/4/91

SCHN00318775

**DIVISION OF STATE LANDS**  
**Waterway Project Permit Review**

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☎ 378-3805

Date: October 31, 1991

RECEIVED  
NOV 06 1991  
STATE PARKS AND  
RECREATION DEPARTMENT

Corps Public Notice No.: 199100099

State Permit No.: RP 1055

Corps Coordinator: Judy Unton (326-6995)

DSL Coordinator: Marge Akers (378-3805)

Applicant: Schnitzer Investment Corporation

Please return comments to the Division of State Lands by: November 14, 1991

Application Involves:

- |                                       |  |   |  |                                   |
|---------------------------------------|--|---|--|-----------------------------------|
| <input type="checkbox"/> Structure    | <input type="checkbox"/> Fill                | <input checked="" type="checkbox"/> Removal | <input type="checkbox"/> Riprap          | <input type="checkbox"/> Wetlands |
| <input type="checkbox"/> Coastal Zone | <input type="checkbox"/> Willamette Greenway | <input checked="" type="checkbox"/> LWRMP   | <input type="checkbox"/> Scenic Waterway |                                   |

NOV 8 10 42 AM '91  
DIVISION OF  
STATE LANDS

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- ☐ We would attend a conference with the applicant to seek project alternatives.
- ☐ The project is unacceptable as proposed. (Please explain below.)
- ☐ We have no comment.

COMMENTS:

*Williamette R  
mult C*

Agency: Historic Preservation

By:

**NOTED**  
**L. GILSEN**

Date: NOV 07 1991

SCHN00318776

DIVISION OF STATE LANDS  
Waterway Project Permit Review

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☎ 378-3805

Date: October 31, 1991

*For*  
BLADY MCCOY  
MULTNOMAH COUNTY CHAIR  
1021 S.W. 4th, ROOM 134  
PORTLAND, OREGON 97204  
11/6/91

Corps Public Notice No.: 199100099

State Permit No.: RP 1055

Corps Coordinator: Judy Linton (326-6995)

DSL Coordinator: Marge Akers (378-3805)

Applicant: Schnitzer Investment Corporation

Please return comments to the Division of State Lands by: November 14, 1991

Application involves:

- ☐ Structure ☐ Fill ☒ Removal ☐ Riprap ☐ Wetlands  
☐ Coastal Zone ☐ Willamette Greenway ☒ LWRMP ☐ Scenic Waterway

NOV 19 10 26 AM '91  
DIVISION OF  
STATE LANDS

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☐ We would attend a conference with the applicant to seek project alternatives.  
☐ The project is unacceptable as proposed. (Please explain below.)  
☒ We have no comment.

COMMENTS:

*[Signature]*  
Agency: Multnomah Co. Commissioners By: \_\_\_\_\_

11/12/91  
Date: \_\_\_\_\_

SCHN00318777



DIVISION OF STATE LANDS  
Waterway Project Permit Review

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☎ 378-3805

Date: October 31, 1991

DIVISION OF  
STATE LANDS  
Nov 26 9 59 AM '91

Corps Public Notice No.: 199100099

State Permit No.: RP 1055

Corps Coordinator: Judy Linton (326-6995)

DSL Coordinator: Marge Akers (378-3805)

Applicant: Schnitzer Investment Corporation

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Application involves:

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☐ The project is unacceptable as proposed. (Please explain below.)  
☒ We have no comment.

COMMENTS:

Agency: State Marine Bd.

By: *Marge Akers*

Date: 11/22/91

SCHN00318778

DIVISION OF STATE LANDS

Waterway Project Permit Review

RECEIVED

NOV 6 1991

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
378-3805

GLADYS McCOY  
MULTNOMAH COUNTY CHAIR  
4021 S.W. 4th, ROOM 134  
SEASIDE, OREGON 97204  
11/21/91

Multnomah County  
Zoning Division

Corps Public Notice No.: 199100099

State Permit No.: RP 1055

Corps Coordinator: Judy Linton (326-6995)

DSL Coordinator: Marge Akers (378-3805)

Applicant: Schnitzer Investment Corporation

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☐ The project is unacceptable as proposed. (Please explain below.)  
☒ We have no comment.

COMMENTS:

*[Signature]*

11-20-91

Agency: Multnomah Co. Planning

Date: 11/12/91

SCHN00318779

DIVISION OF STATE LANDS  
Waterway Project Permit Review

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☎ 378-3805

Date: October 31, 1991

*Brian*  
DIVISION OF  
STATE LANDS  
Nov 18 11 04 AM '91

Corps Public Notice No.: 199100099

State Permit No.: RP 1055

Corps Coordinator: Judy Linton (326-6995)

DSL Coordinator: Marge Akers (378-3805)

Applicant: Schnitzer Investment Corporation

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Application involves:

- ☐ Structure    ☐ Fill    ☒ Removal    ☐ Riprap    ☐ Wetlands  
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THIS NOTICE IS NOT A PERMIT

RECEIVED

I have reviewed the attached information and offer the following comments:

NOV 06 1991

- ☐ A \_\_\_\_\_ permit is required by this agency.  
☒ We do not believe the project would have an adverse effect.      Planning Section  
☐ We believe the effects of the project, although measurable, would be acceptable.  
☐ We believe the project would be acceptable if methods of construction or design were altered as listed below.  
☐ We would attend a conference with the applicant to seek project alternatives.  
☐ The project is unacceptable as proposed. (Please explain below.)  
☐ We have no comment.

COMMENTS:

Agency: Aero/OSOT

By: Dick B. [Signature]

Date: 11/14/91

SCHN00318780

DIVISION OF STATE LANDS  
Waterway Project Permit Review

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☎ 378-3805

Date: October 31, 1991

DIVISION OF  
STATE LANDS  
Nov 12 11 00 AM '91

Corps Public Notice No.: 199100099

State Permit No.: RP 1055

Corps Coordinator: Judy Linton (326-6995)

DSL Coordinator: Marge Akers (378-3805)

Applicant: Schnitzer Investment Corporation

Please return comments to the Division of State Lands by: November 14, 1991

Application involves:

- ☐ Structure    ☐ Fill    ☒ Removal    ☐ Riprap    ☐ Wetlands  
☐ Coastal Zone    ☐ Willamette Greenway    ☒ LWRMP    ☐ Scenic Waterway

Notice of Permit Application

The attached proposal has been received for work within the waters of the State of Oregon. If you wish to make written comment on the proposed project, please use this form or attach comments and return it to us. This form is a self-addressed mailer for your convenience. Please affix the proper postage. A public hearing may be requested within 25 days from the date of this notice. If a public hearing is requested, the director of the Division of State Lands will decide whether a public hearing will be held based on the merits of the request and the level of public interest.

THIS NOTICE IS NOT A PERMIT

I have reviewed the attached information and offer the following comments:

- ☐ A \_\_\_\_\_ permit is required by this agency.  
☐ We do not believe the project would have an adverse effect.  
☒ We believe the effects of the project, although measurable, would be acceptable.  
☐ We believe the project would be acceptable if methods of construction or design were altered as listed below.  
☐ We would attend a conference with the applicant to seek project alternatives.  
☐ The project is unacceptable as proposed. (Please explain below.)  
☐ We have no comment.

COMMENTS:

Agency: pttd. Bureau of Bldgs. By: Bire Freeman Date: 11.8.91

SCHN00318781

**DIVISION OF STATE LANDS**  
**Waterway Project Permit Review**

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☎ 378-3805

Date: October 31, 1991

Corps Public Notice No.: 199100099

State Permit No.: RP 1055

Corps Coordinator: Judy Linton (326-6995)

DSL Coordinator: Marge Akers (378-3805)

Applicant: Schnitzer Investment Corporation

Please return comments to the Division of State Lands by: November 14, 1991

Application involves:

- ☐ Structure    ☐ Fill    ☒ Removal    ☐ Riprap    ☐ Wetlands  
☐ Coastal Zone    ☐ Willamette Greenway    ☒ LWRMP    ☐ Scenic Waterway

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☐ The project is unacceptable as proposed. (Please explain below.)  
☐ We have no comment.

COMMENTS:

*Willamette River*  
*No State ownership within original*  
*Don Island boundaries*

Agency: Eng. Hearing

By: [Signature]

Date: 15 Nov '91

SCHN00318782

**DIVISION OF STATE LANDS**  
**Waterway Project Permit Review**

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☎ 378-3805

Date: October 31, 1991

Corps Public Notice No.: 199100099

State Permit No.: RP 1055

Corps Coordinator: Judy Linton (326-6995)

DSL Coordinator: Marge Akers (378-3805)

Applicant: Schnitzer Investment Corporation

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Application involves:

- ☐ Structure    ☐ Fill    ☒ Removal    ☐ Riprap    ☐ Wetlands  
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☐ We would attend a conference with the applicant to seek project alternatives.  
☐ The project is unacceptable as proposed. (Please explain below.)  
☐ We have no comment.

---

COMMENTS:

Agency: \_\_\_\_\_ By: \_\_\_\_\_ Date: \_\_\_\_\_

SCHN00318783

DIVISION OF STATE LANDS  
Waterway Project Permit Review

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☎ 378-3805

Date: October 31, 1991

Corps Public Notice No.: 199100099

State Permit No.: RP 1055

Corps Coordinator: Judy Linton (326-6995)

DSL Coordinator: Marge Akers (378-3805)

Applicant: Schnitzer Investment Corporation

Please return comments to the Division of State Lands by: November 14, 1991

Application involves:

- ☐ Structure    ☐ Fill    ☒ Removal    ☐ Riprap    ☐ Wetlands  
☐ Coastal Zone    ☐ Willamette Greenway    ☒ LWRMP    ☐ Scenic Waterway

DIVISION OF  
STATE LANDS  
NOV 15 11 22 AM '91

Notice of Permit Application

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☐ We would attend a conference with the applicant to seek project alternatives.  
☐ The project is unacceptable as proposed. (Please explain below.)  
☐ We have no comment.

COMMENTS:

Agency: ODFW Massey    By: \_\_\_\_\_    Date: \_\_\_\_\_

SCHN00318784



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208-2946

Reply to  
Attention of:

November 6, 1991

M4  
DIVISION OF  
STATE LANDS  
Nov 8 10 12 AM '91

Planning and Engineering Division

SUBJECT: Public Notice No. 199100099; Additional Information

THIS LETTER HAS BEEN MAILED TO THE AGENCIES LISTED:

Schnitzer Investment Corporation, applicant on the subject public notice, has requested that the Corps of Engineers add two upland disposal options to their proposed maintenance dredging project at mile 3.6 of the Willamette River. They have also clarified the dredging area. The purpose of this letter is to provide this information for your review.

The proposed dredging area has been reduced from that shown on sheet 1 of the public notice. The new dredging area is shown on Enclosure 1. About three-fourths of this area will not require immediate dredging as it is already at -35 feet and has been for several years. Dredging will be needed at the east end of the bulkhead and for a small strip along the length of the north side. Immediate dredging needs are shown by cross hatching.

The new disposal options are shown on ~~Enclosure 2~~ <sup>SHEET 2 of 3</sup>. Both sites are located on Schnitzer property and are upland. Site 1 would be bermed and levelled for use as an industrial storage area. About 10,000 cubic yards (cy) of material could be placed at this site. Placement of material at Site 2 would also be for the purpose of levelling the property for future industrial use. This site could hold the entire 20,000 cy proposed to be dredged the first year. Placement of material at the Ross Island upland site, identified in the public notice, remains a disposal option.

The public notice for this project is scheduled to close on November 14, 1991. Because the changes are minor, I ask that you attempt to meet this date. If you feel additional time is necessary, however, please notify me as soon as possible at 326-6995. A field trip to the site could be arranged if that would help your evaluation.

Sincerely,

*Judy L. Linton*  
Judy L. Linton

Permit Evaluator  
Regulatory and Environmental  
Resource Branch

Enclosures

Copy Furnished:

Schnitzer Steel Products Co.  
ODSL

SCHN00318785



This letter, with enclosures, has been mailed to the following:

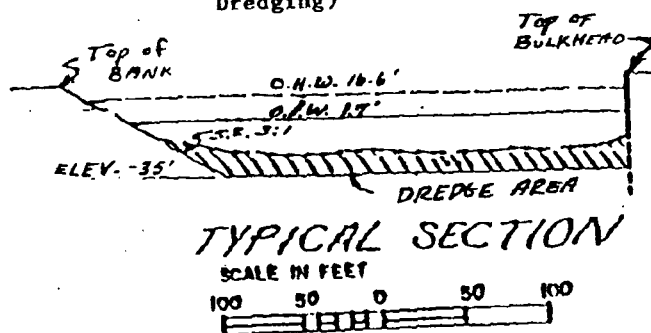
National Marine Fisheries Service  
Environmental & Technical Services Division  
911 NE 11th Avenue, Room 620  
Portland, Oregon 97232

U.S. Fish and Wildlife Service  
Portland Field Station  
2600 SE 98th Avenue, Suite 100  
Portland, Oregon 97266

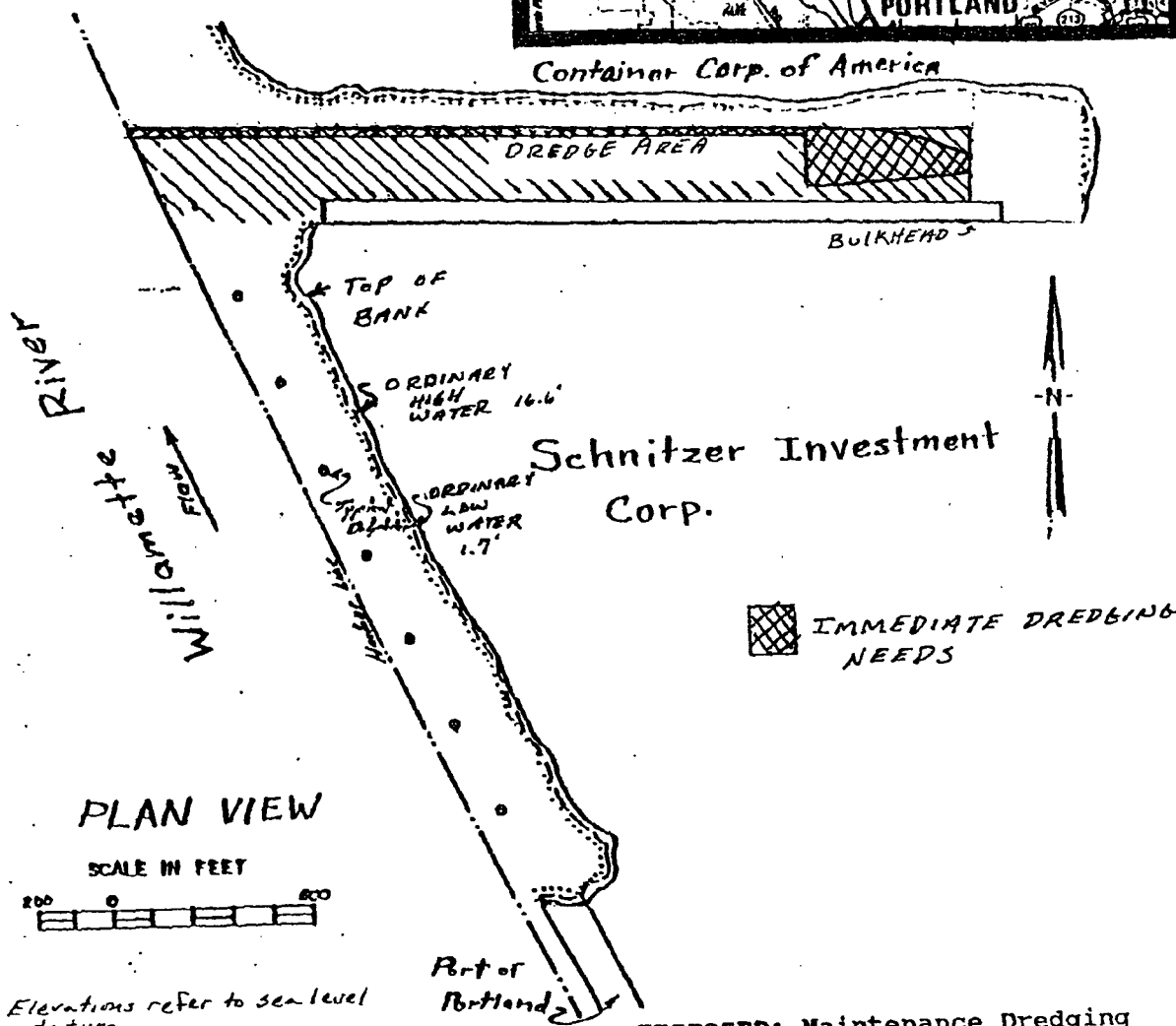
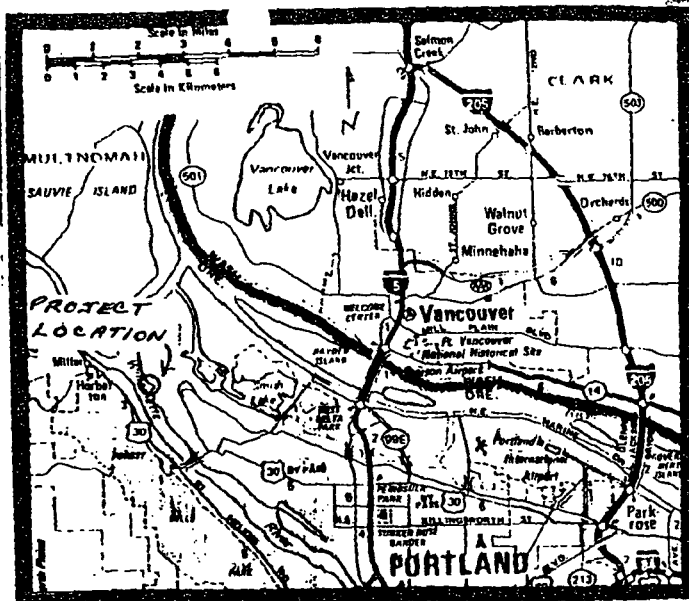
Environmental Protection Agency  
Oregon Operations Office  
811 SW 6th Avenue  
Portland, Oregon 97204-1395

SCHN00318786

91-00099 (Willamette River - Maintenance Dredging)



Long 122°46'30"  
Lat 45°36'38"

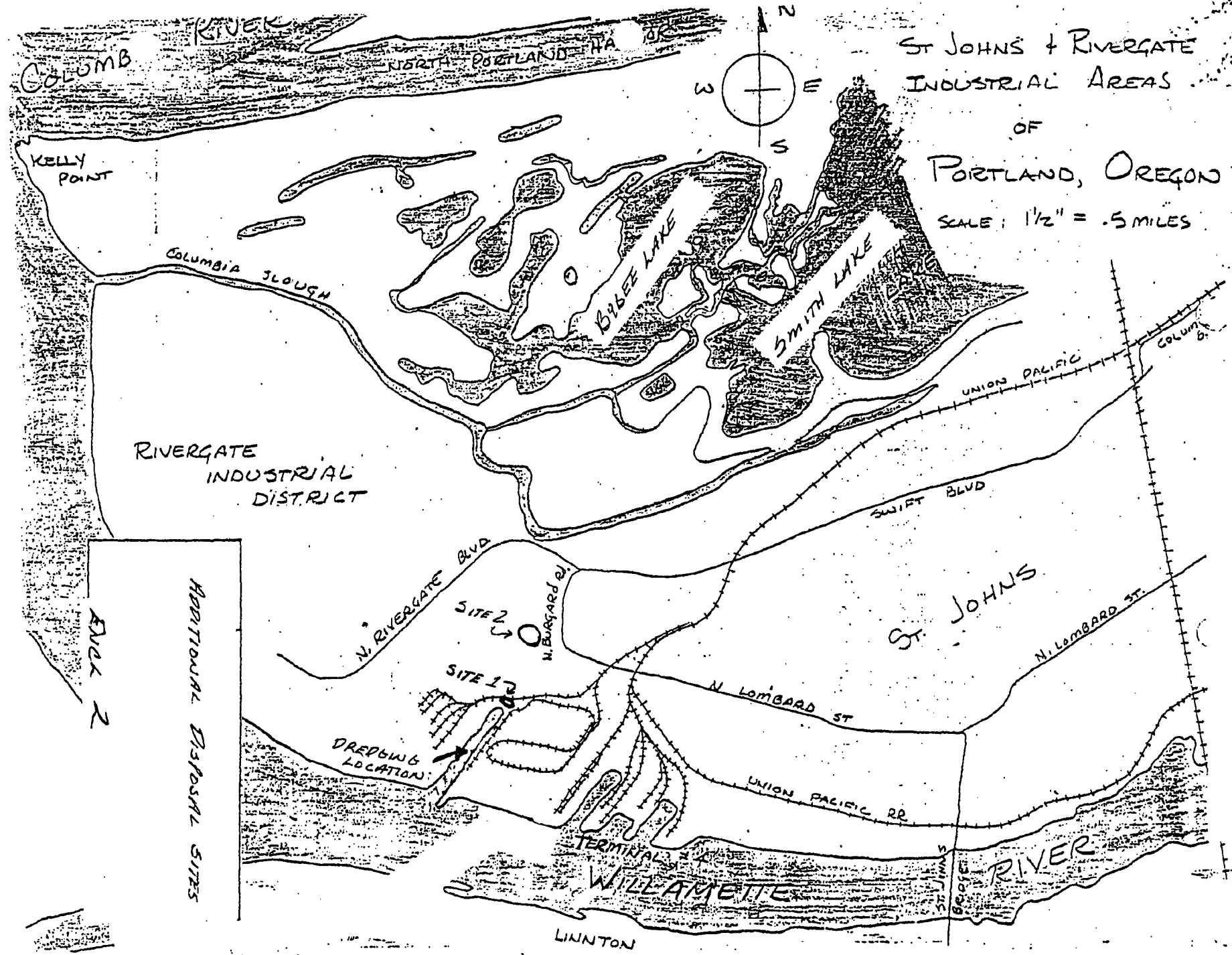


PROPOSED: Maintenance Dredging  
IN: Willamette River  
NEAR: Portland MILE: 3.6  
COUNTY: Multnomah STATE: OR  
APPLICANT: Schnitzer Investment Corp.  
SHEET: 1 of 2

Encl 1

SCHN00318787

ST JOHN'S + RIVERGATE  
INDUSTRIAL AREAS  
OF  
PORTLAND, OREGON  
SCALE: 1 1/2" = .5 MILES



Division of State Lands  
1445 State Street  
Salem, Oregon 97310  
178-3059 (permit section)

RESPONSE SHEET

USCS Permit No. \_\_\_\_\_  
DSL Permit No. RPI055  
Waterway Willamette  
County MULTNOMAH  
New \_\_\_\_\_ Renewal ☒  
Date 11-13-91

Name of Applicant

SCHNITZER CORPORATION

A. WATER QUALITY CONDITIONS

- ☒ 1. The turbidity standard for this operation is:  
a. turbidity increase limited to 5-JTU's  
b. no turbidity increase when background is 30-JTU's or less; 10% increase when background more than 30-JTU's.  
☐ c. all efforts shall be made to minimize any turbidity increase.
- ☐ 2. The operation shall be conducted behind a berm/leave strip.
- ☒ 3. ~~Fill materials~~/waste materials/spoils shall be placed:  
☐ a. above the bankline (elevation \_\_\_\_\_)  
☐ b. above Mean Higher High Water  
☐ c. behind previously constructed berms  
☒ d. at designated site on Ross Island.
- ☒ 4. Waste waters from the project  
a. shall not be allowed to re-enter the waterway  
☐ b. shall be provided adequate settling time  
☐ c. shall meet conditions of DEP permit  
☐ d.
- ☐ 5. There shall be no removal or filling in the permit area between \_\_\_\_\_  
for the following reasons: \_\_\_\_\_
- ☒ 6. There shall be no operation of equipment in the active flowing stream:  
a. between Feb 1 - May 15  
b. except to construct or maintain berm, such work to be done only between \_\_\_\_\_  
☐ c.

B. OPERATING CONDITIONS

- ☐ 1. The stream shall not be diverted from the natural bed.
- ☐ 2. The stream shall not be diverted within its natural bed.
- ☐ 3. At project's completion, the stream shall be:  
☐ a. placed in a single channel  
☐ b. returned to the original channel  
☐ c.
- ☐ 4. All potholes or removal pits shall be:  
☐ a. leveled  
☐ b. connected to the stream  
☐ c. by (date) \_\_\_\_\_  
☐ d. at end of season's work
- ☒ 5. Material shall not be removed to a depth greater than:  
☒ a. 35 feet above/below NGVD ~~ordinary low water~~  
☐ b. \_\_\_\_\_ feet above/below the streambed  
☐ c. the water surface level at time of operation  
☐ d.
- ☐ 6. A new channel may be constructed under these conditions:  
☐ a. there shall be no operation of equipment in the active flowing stream except to connect the newly dug channel into the existing stream  
☐ b. the new channel shall have a pool-riffle ratio of \_\_\_\_\_

B. OPERATING CONDITIONS - (continued)

- ☐ c. the new channel shall be completely excavated before diverting the stream flow
- ☐ d. the old channel shall be permanently blocked at upstream/downstream and with impervious material protected by suitable bank protection
- ☐ e. spoils from the excavation of the new channel shall be stockpiled; and after the diversion has been accomplished, the material may be used to fill the abandoned channel.
- ☐ f.

C. BANK PROTECTION CONDITIONS

- ☐ 1. Clean, durable rock riprap from an upland source shall/should be placed on disturbed or damaged streambanks.  
☐ a. in a manner that does not appreciably increase the upland surface area  
☐ b. the operation shall not be done between (dates) \_\_\_\_\_
- ☐ 2. The area of streambank soil disturbance shall be revegetated. This cover shall include but not be limited to:  
☐ a. grass/legumes  
☐ b. shrubs  
☐ c. trees  
☐ d.
- ☐ 3. All riprap shall be placed from above the bankline.
- ☐ 4. The completed revetment shall have a slope no steeper/flatter than (specify 2:1, etc.) \_\_\_\_\_
- ☐ 5. There shall be no operation of equipment in the water except to dig a toe trench.
- ☐ 6. Streambed gravels may be used to prepare a filter blanket  
☐ a. if from toe trench excavation  
☐ b.
- ☐ 7. No removal of woody vegetation shall occur.

☐ I have discussed the project with the applicant.

☐ Additional comments are added on the back of this sheet.

AGENCY

DOFW

BY

P. KEELEY

(continued at top of page)

SCHN00318789



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
ENVIRONMENTAL & TECHNICAL SERVICES DIVISION  
911 NE 11th Avenue - Room 620  
PORTLAND, OREGON 97232  
503/230-5400 FAX 503/230-5435

RP1055

NOV 13 1991

F/NW03

Colonel Charles A. W. Hines  
Corps of Engineers  
Portland District  
P.O. Box 2946  
Portland, OR 97208

NOV 15 10 16 AM '91  
STATE  
TO NOISIAIG

Attn: CENPP-PL-R

RE: 91-00099, Schnitzer Investment Corporation  
(October 24, 1991)

Dear Colonel Hines:

We have completed our review of the public notice referenced above and have no objection to the issuance of a permit for this project.

In the event we learn that fisheries resources within our jurisdiction may experience adverse impacts as a result of this project, we will contact you.

Sincerely,

Nicholas E. Iadanza  
Chief, Habitat Conservation Branch

cc: Oregon Department of Fish and Wildlife  
U.S. Fish and Wildlife Service, ES, PFO  
Division of State Lands  
Environmental Protection Agency



SCHN00318790



# Oregon

John A. Kitzhaber, M.D., Governor

November 28, 1997

## Division of State Lands

775 Summer Street NE

Salem, OR 97310-1337

(503) 378-3805

FAX (503) 378-4844

TTY (503) 378-4615

RP 1055

ATTN: Tim Todd

Schnitzer Investment Corp.

PO Box 10047

Portland OR 97210

RE: Permit No.: RP 1055  
Waterway: Willamette R.  
Expiration Date: 1/11/98

## State Land Board

John A. Kitzhaber  
Governor

Phil Keisling  
Secretary of State

Jim Hill  
State Treasurer

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. However, **an updated application must be submitted!** If you plan to do any additional work or have a change in your original plan, a new application must be submitted. Enclosed is a blank application and a copy of the current application. Fill in all appropriate information, provide readable and easily photocopied maps showing the project's location and drawings giving both overhead and cross-sectional views of the project. **Please make sure the application is complete, paying particular attention to Sections 7, 8 and 9.**

Please mark the appropriate box below and return this letter with the updated application and renewal fee, when applicable, to our office by **December 5, 1997**. You may fax your response to the Field Operation Section and send the billing letter, updated application, and payment under separate cover. The division's fax number is 503-378-4844. If you have any questions or need additional applications, please call Tina Wold at 378-3805 ext. 230.

☐ **DO NOT RENEW:** (please mark one)

☐ The project has been completed

☐ I/We have decided not to do this project

☐ **PLEASE RENEW:** (Please submit \$150.00)

**NOTE:** If we have **NOT** received a response to this letter within 30 days of the expiration date noted above, we will consider the project complete and close the file. **HOWEVER**, when applicable, any wetland mitigation requirements including those relating to the monitoring of wetland mitigation, regardless of the status of your permit, continue to be in force as specified by your permit conditions.

WPPERMIT:112

*Allen  
Please expedite  
No response to letter  
Thanks  
J was  
4-29-98*

SCHN00318791

DIVISION OF  
STATE LANDS

December 6, 1991

RP 1055  
ATTN: Dori Schnitzer  
Schnitzer Investment Corp.  
3200 NW Yeon  
Portland, OR 97210

STATE LAND BOARD

BARBARA ROBERTS  
Governor  
PHIL KEISLING  
Secretary of State  
ANTHONY MEEKER  
State Treasurer

Your removal-fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do any additional work or have a change in your original plans, please complete the enclosed application and submit it, with the appropriate maps and/or drawings, to our office.

Please return this letter, indicating the action you wish to be taken. If there are any questions regarding the permit program or this renewal, please call the Environmental Planning and Permits Section at 378-3805.

-----  
PLEASE RESPOND BY: December 31, 1991

\_\_\_\_\_ Do not renew  
(     ) Project completed     (     ) Project withdrawn  
\_\_\_\_\_ Please renew (fee enclosed)

Permit No.:            RP 1055  
Waterway:             Willamette R.  
Expiration Date:    2/28/92  
Fee:                    \$150.00

**NOTE:** If we have not received a response to this letter within 30 days of the expiration date noted above, we will consider the project complete and close the file.



775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844

SCHN00318792

ODSL

DEPARTMENT OF THE ARMY PERMIT

Permittee: Schnitzer Investment Corporation

Permit No: 199100099

Issuing Office: U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Perform maintenance dredging in the slipway approach and alongside existing vessel berths 1, 2, and 3. Approximately 20,000 cubic yards (cy) of sand/silt will be removed the first year of the permit and a total of 30,000 cy removed over the remaining four (4) year permit life. Material will be removed no deeper than -35 feet NGVD by clam shell dredge with material barged and disposed at an upland site on Ross Island, or placed at upland sites on the Schnitzer property.

Purpose: Maintain existing vessel berths.

Drawings: Three sheets labeled 91-00099 (Willamette River - Maintenance Dredging)

Project Location: Willamette River, Mile 3.6 (Section 35, T2N, R1W), Portland, Multnomah County, Oregon.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 1996. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this required if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the *National Register of Historic Places*.

ENG FORM 1721, Nov 86

(33 CFR 325(Appendix A))

SCHN00318793



Permittee: SCHNITZER INVESTMENT CORPORATION

Permit No: 199100099

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: See page 2a

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - ( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses therefore as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses therefore as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Designed or construction deficiencies with the permitted work.

Permittee: SCHNITZER INVESTMENT CORPORATION

Permit No: 199100099 Special Conditions a. through g.

- a. Slope of riprap, bank, or excavation shall be no steeper than 3 feet horizontal to 1 foot vertical.
- b. Work in the waterway shall be done so as to minimize turbidity increases in the water that tend to degrade water quality and damage aquatic life.
- c. Land disposal of dredged material shall be accomplished behind adequately maintained protective berms, which will prevent the material from returning to any waterway.
- d. If a bucket dredge of any type, including but not limited to grab or clamshell, dipper, dragline, or backhaul bucket, is used, all digging passes of the bucket shall be completed without any material, once in the bucket, being returned to the wetted area.
- e. When the District Engineer has been notified by a fishery agency that a filling activity is adversely affecting fish or wildlife resources or the harvest thereof, and when the District Engineer subsequently directs remedial measures, the permittee shall comply with such directions as may be received to suspend or modify the activity, to the extent required to mitigate or eliminate the adverse effect.
- f. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the United States.
- g. Dredged material will be placed in a upland (non-wetland) site.

Permittee: SCHNITZER INVESTMENT CORPORATION

Permit No: 199100099

- c. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
  - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X Stan Burton  
(PERMITTEE)

12-17-91  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Charles A. W. Hines  
(DISTRICT ENGINEER)  
Charles A. W. Hines  
Colonel, Corps of Engineers  
District Engineer

12-12-91  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

Top of BANK

O.H.W. 16.6'

ARM 17'

S.S. 3:1

ELEV. -35'

DREDGE AREA

Top of BULKHEAD

**TYPICAL SECTION**

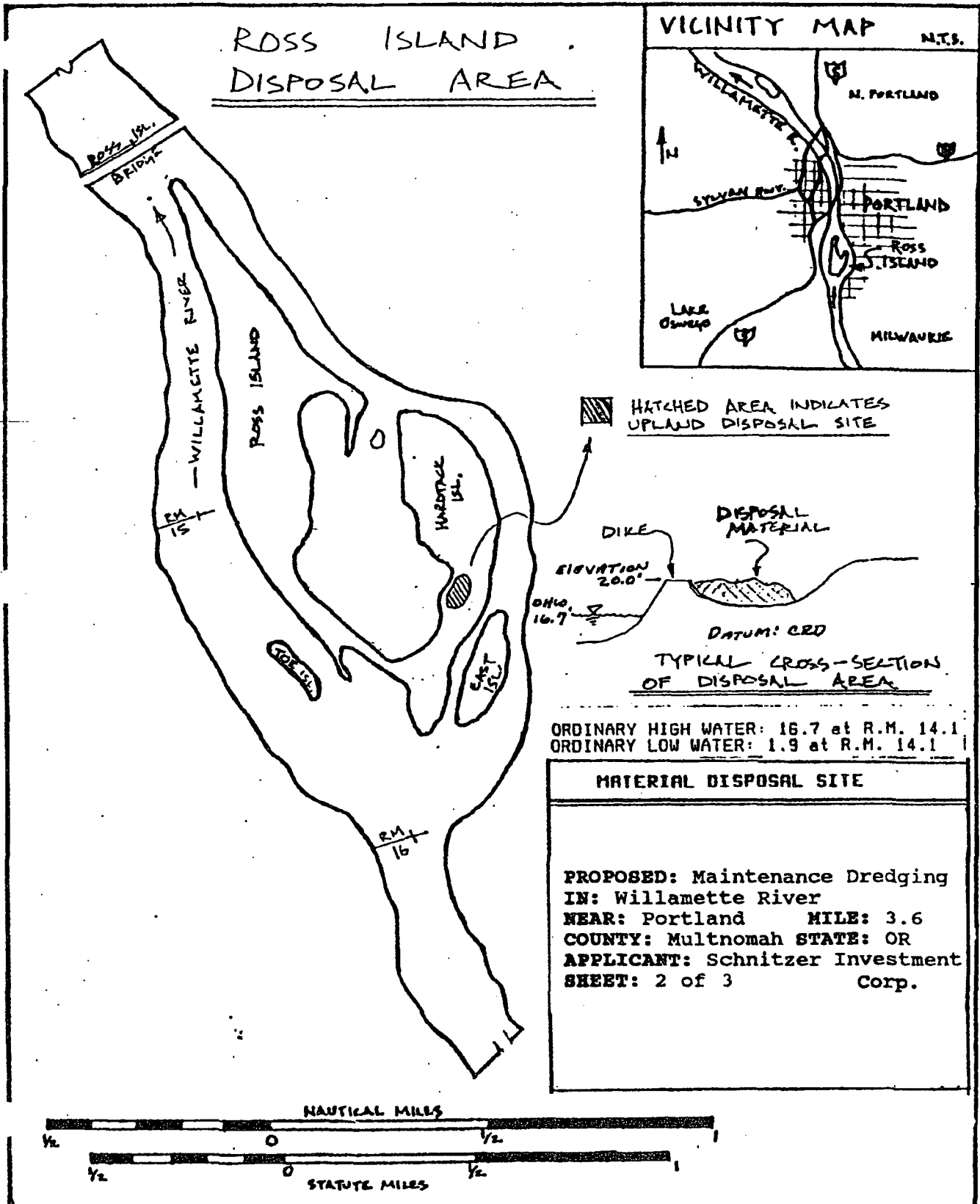
SCALE IN FEET

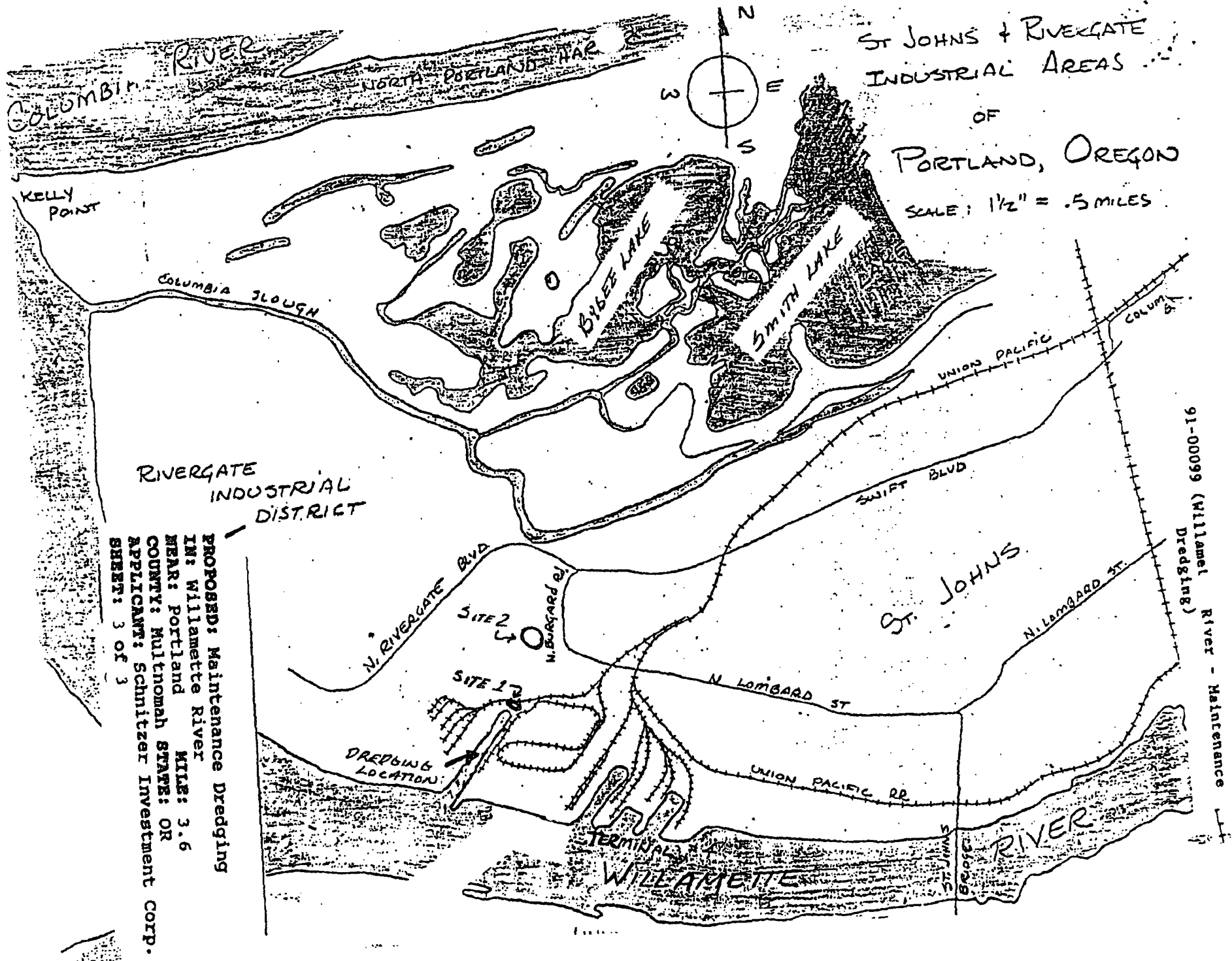
100 50 0 50 100

The map shows the Vancouver area with labels for Vancouver, Portland, and various islands and lakes. A scale bar at the top indicates distances in miles and kilometers. A north arrow is also present. The project location is marked with a star and labeled 'PROJECT LOCATION'.

**PROPOSED:** Maintenance Dredging  
**IN:** Willamette River  
**NEAR:** Portland      **MILE:** 3.6  
**COUNTY:** Multnomah **STATE:** OR  
**APPLICANT:** Schnitzer Investment Corp.  
**SHEET:** 1 of 3

SCHN00318797





SCHN00318799

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☎ 378-3805  
378-3059

Permit No.: 1055 - Renewal  
Permit Type: Removal  
Waterway: Willamette River  
County: Multnomah County  
Expiration Date: December 19, 1992  
PN 199100099

**SCHNITZER INVESTMENT CORPORATION**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Division of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Division of State Lands, Waterway Leasing Office, 378-3805.

Janet C. Neuman, Director  
Oregon Division of State Lands

  
\_\_\_\_\_  
Authorized Signature

December 19, 1991  
Date Issued

SCHN00318800

## ATTACHMENT A

### Special Conditions for Material Removal Permit No. 1055

1. This permit authorizes the removal of up to 20,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, mile 3.6) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Work in the waterway shall be done so as to minimize turbidity increases in the water that would degrade water quality and damage aquatic life. Turbidity shall not exceed 10% above natural stream turbidities, except as allowed by OAR 340-41.
3. Petroleum products, chemicals, or other deleterious materials shall not be allowed to enter the water.
4. Waste materials and spoils shall be placed above the bankline in an approved upland disposal site and not in any wetland areas. Upland disposal shall comply with Multnomah County's floodplain management regulations (phone: 248-3833).
5. Turbid waste waters from the project shall not be allowed to re-enter the waterway.
6. There shall be no removal in the permit area between February 1 and May 15 nor between September 1 and September 30.
7. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
8. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

December 19, 1991



# Oregon

## DIVISION OF STATE LANDS

### STATE LAND BOARD

BARBARA ROBERTS

Governor

PHIL KEISLING

Secretary of State

ANTHONY MEEKER

State Treasurer

December 20, 1991

U.S. Army Corps of Engineers  
Portland District  
P.O. Box 2946  
Portland, OR 97208-2946

Att: W. B. Paynter, Chief  
Regulatory and Resource Branch


Ref: PN 199100099  
Willamette River - Maintenance Dredging

Dear Sir:

The State of Oregon has reviewed and approves this project subject to the conditions as outlined in Material Removal Permit No. 1055 issued by the Division of State Lands.

Sincerely,



 Janet C. Neuman  
Director

JCN:MDA:dsh

cc: Department of Environmental Quality  
Department of Fish and Wildlife  
U. S. Fish and Wildlife Service



775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844

SCHN00318802

# REMOVAL / ILL PERMIT PROCESSING CHECK LIST

APPLICANT Schnitzer Overst PERMIT NO. RP 1055 PN NO 1991000 99  
CU-DATE 11/14/91 STATUTORY CU-DATE \_\_\_\_\_

1. Receipt of Application \_\_\_\_\_  
Fee \$ PN-Renewal

2. Log in: ☒ Notification Letter  
☒ Notebooks  
☒ Computer

DATE COMPLETED

## 3. Circulation:

COUNTY: Multnomah

- ☒ Engineering/Leasing
- ☒ DFW
- ☒ DEQ
- ☒ Soil & Water
- ☒ Water Resources
- ☒ Geology
- ☒ Highway
- ☒ Aeronautics
- ☒ Historic Preservation
- ☒ DLCD
- ☒ River Programs
- ☐ Parks Dept.
- ☐ Parks Region
- ☒ State Marine Board
- ☐ Economic Development
- ☒ Port of Portland
- ☒ City of Portland

- ☒ County Planning
- ☒ County Commissioners
- ☒ County Local Coordinator
- ☐ Council of Governments
- ☒ OSPiRG
- ☐ OSCC
- ☐ OEC
- ☒ OAS
- ☐ Marine Science Center
- ☐ Marine Bio U of O
- ☒ CREST
- ☒ Portland Audubon Society
- ☒ 1,000 Friends of Oregon
- ☒ NW Steelheaders
- ☐ Jon Christenson

## Others:

- ☒ Kerry Dugan
- ☒ Steve Alf
- ☒ FISHMAN
- ☒ Jan Wilson

- ☒ Chuck Huntington
- ☒ Friends of Will. R. Greenway
- ☒ Fergus McLean
- ☒ PTD BUR. OF BLDGS
- ☒ JACK BROOME
- ☒ Clayton Gaidale
- ☒ Mult. Co. Drain. Dist.

- ☐ Corps
- ☐ EPA
- ☐ USFWS
- ☐ NMFS

- ☐ DEQ (certification)
- ☐ DLCD (certification)

Oregon Trout  
Westwind Const.

41 11-4-91

4. Denied - Letter to: ☐ Applicant ☐ Resource Agencies

## 5. Standard Distribution:

- ☒ Permittee
- ☒ Operator's Copy
- ☐ Authorized Agent
- ☒ DFW
- ☒ DEQ - full
- ☒ Soil & Water

- ☒ Water Resources
- ☒ County Planning
- ☒ DLCD

- ☒ USFWS
- ☒ NMFS
- ☒ Corps - Judy Linton
- ☒ River Programs

✓ Resource mgmt.

12-19-91

6. Records:  
☐ Billing Card  
☐ Rol-o-dex Card

☐ Enter on Computer

7. ☒ Letter to Corps

12-23-91

DIVISION OF  
STATE LANDS

JAN 14 9 00 AM '92

Oregon

DEPARTMENT OF  
ENVIRONMENTAL  
QUALITY

January 8, 1992

Janet Neuman, Director  
Division of State Lands  
775 Summer Street NE  
Salem, OR 97310

Dear Ms. Neuman:

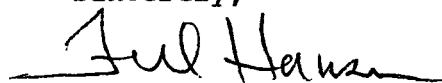
The Department has reviewed the project:

Corps Notice No.: 199100099  
DSL Permit No.: RP 1055  
Applicant: Schnitzer Investment Corporation  
Project: Maintenance dredging of existing vessel berths at  
River Mile 3.6 of the Willamette River. Upland  
disposal of dredged materials.

There is a reasonable assurance that the project would not  
violate state water quality standards and would comply with the  
applicable provisions of the federal Clean Water Act. This  
certification is valid for a period of five (5) years from the  
date of issuance and must be renewed thereafter.

Should you have any questions concerning this certification  
please contact Gene Foster at 229-6982.

Sincerely,



Fred Hansen  
Director

FH:GF:crw  
SA\WC9\WC9501  
cc: COE  
USF&W  
USEPA  
ODF&W



811 SW Sixth Avenue  
Portland, OR 97204-1390  
(503) 229-5696

DEQ-1



SCHN00318804



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208-2946

Reply to  
Attention of:

January 14, 1992

Marge  
RP1055

Planning and Engineering Division

SUBJECT: Permit No. 199100099; Modification

Schnitzer Investment Corporation  
Attn: Stan Burton  
12005 Burgard Rd.  
Portland, Oregon 97203

JAN 16 9 27 AM '92  
DIVISION OF  
STATE LANDS

Dear Mr. Burton:

As a result of recent activities regarding the subject permit, the project description of the permit has been modified to allow hydraulic dredging and now reads as follows:

Project Description: Perform maintenance dredging in the slipway approach and alongside existing vessel berths 1, 2, and 3. Approximately 20,000 cubic yards (cy) of sand/silt will be removed the first year of the permit and a total of 30,000 cy removed over the remaining four (4) year permit life. Material will be removed no deeper than -35 feet NGVD by clam shell or hydraulic dredge with material barged and disposed at an upland site on Ross Island, or placed at upland sites on the Schnitzer property.

Because overflow water from the disposal site will be allowed to flow back into Columbia Slough, we have also modified special condition "c" to read:

c. Land disposal of dredged material shall be accomplished behind adequately maintained protective berms with the following requirements: 1) the bermed disposal area must have an effective ponding depth of no less than 2 feet during dredging operations, and 2) the depth of water over the weir shall be no more than 3 inches.

Please be aware that all other terms and conditions to which the permit is made subject remain in full force and effect.

The return of overflow waters from the disposal area into Columbia Slough is authorized under Nationwide permit 16 subject to the Conditions and Management Practices (Enclosure 1), and provided you receive permits, where required, under Oregon's Removal/Fill Law and appropriate local authorizations.

SCHN00318805

Nationwide permit 33 CFR 330.5(a)(16) authorizes return water from an upland, contained dredged material disposal area provided the state has issued a site specific or generic certification under Section 401 of the Clean Water Act.

This verification will be valid until the nationwide permit is modified, reissued, or revoked. All the nationwide permits are scheduled to be modified, reissued or revoked prior to 13 January 1992. It is incumbent upon you to remain informed of changes to the nationwide permits. We will issue a public notice announcing the changes when they occur. Furthermore, if you commence or are under contract to commence this activity before the date the nationwide permit is modified or revoked, you will have twelve months from the date of the modification or revocation to complete the activity under the present terms and conditions of this nationwide permit.

If you have any questions regarding these permit modifications or your authorization under Nationwide 16, please contact Judy Linton at the above address or telephone (503) 326-6096.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

Charles A.W. Hines  
Colonel, Corps of Engineers  
District Engineer

Enclosure

Copy Furnished:

ODSL

TO: Marge Akers - Permits Section

## RESOURCE MANAGEMENT PERMIT REVIEW SHEET

Log-In Date: 1-29-92

### PERMIT IDENTIFICATION

Applicant: Schnitzer Investment Co.

☒ Application For Permit

☐ New

☒ Renewal

☐ Notification Of Intent

Permit or Permit Application Number: 1055

Waterway: Willamette

### LEASE STATUS

Lease In Effect: YES ☒ NO

If YES, Lease Number: \_\_\_\_\_

Term Of Lease: \_\_\_\_\_

If NO, Is a Lease Required?: ☒ YES ☐ NO

Why: BE. Fill TO RECLAIM - WHAT SAY? Reviewer: Boik  
Reviewer: \_\_\_\_\_  
Reviewer: \_\_\_\_\_

### CIRCULATION

For Review: ☒ Jim ☐ Tami ☐ Jerry

☒ Copy of this page returned to Permits Date: 1-31-92

☐ Lease File Established Date: \_\_\_\_\_

☒ Pending File Given To: ☒ Jim Barlow

☐ Tami Burness

☐ Jerry Hedrick

☐ Jeff Kroft

# Oregon

## DIVISION OF STATE LANDS

October 9, 1992

RP 1055  
ATTN: Stan Burton  
Schnitzer Investment Corp.  
12005 N. Burgard  
Portland, OR 97203

### STATE LAND BOARD

BARBARA ROBERTS  
Governor  
PHIL KEISLING  
Secretary of State  
ANTHONY MEEKER  
State Treasurer

Your removal-fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do any additional work or have a change in your original plans, please complete the enclosed application and submit it, with the appropriate maps and/or drawings, to our office. OCT 27 1992

Please return this letter, indicating the action you wish to be taken. If there are any questions regarding the permit program or this renewal, please call the Environmental Planning and Permits Section at 378-3805.

10-11-6000-7670-00

PLEASE RESPOND BY: October 30, 1992

Do not renew  
( ) Project completed ( ) Project withdrawn  
☒ Please renew (fee enclosed)

Permit No.: RP 1055  
Waterway: Willamette R.  
Expiration Date: 12/19/92  
Fee: \$150.00

OCT 29 1992  
DIVISION OF STATE LANDS

150.00

**NOTE:** If we have not received a response to this letter within 30 days of the expiration date noted above, we will consider the project complete and close the file.



775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844

SCHN00318844

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
☐ 378-3805  
378-3059

Permit No.: 1055 - Renewal  
Permit Type: Removal  
Waterway: Willamette River  
County: Multnomah County  
Expiration Date: January 11, 1998  
PN 91-99

**SCHNITZER INVESTMENT CORPORATION**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Division of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Division of State Lands, Waterway Leasing Office, 378-3805.

Gary Gustafson, Acting Director  
Oregon Division of State Lands

  
\_\_\_\_\_  
Authorized Signature

January 11, 1993  
Date Issued

SCHN00318845



## ATTACHMENT A

### Special Conditions for Material Removal Permit No. 1055

1. This permit authorizes the removal of up to 20,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, mile 3.6) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Work in the waterway shall be done so as to minimize turbidity increases in the water that would degrade water quality and damage aquatic life. Turbidity shall not exceed 10% above natural stream turbidities, except as allowed by OAR 340-41.
3. Petroleum products, chemicals, or other deleterious materials shall not be allowed to enter the water.
4. Waste materials and spoils shall be placed above the bankline in an approved upland disposal site and not in any wetland areas. Upland disposal shall comply with Multnomah County's floodplain management regulations (phone: 248-3833).
5. Turbid waste waters from the project shall not be allowed to re-enter the waterway.
6. There shall be no removal in the permit area between February 1 and May 15.
7. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
8. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

January 11, 1993



DIVISION OF  
STATE LANDS

November 9, 1993

RP 1055  
ATTN: Stan Burton  
Schnitzer Investment Corp.  
12005 Burgard Rd.  
Portland, OR 97203

STATE LAND BOARD

BARBARA ROBERTS  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee by **December 1, 1993** or by the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call Field Operations at 378-3805 ext. 0.

Permit No.: RP 1055  
Waterway: Willamette R.  
Expiration Date: 1/11/98  
Fee: \$150.00



775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844

SCHN00318847



DIVISION OF  
STATE LANDS

November 10, 1994

RP 1055  
ATTN: Stan Burton  
Schnitzer Investment Corp.  
12005 Burgard Rd.  
Portland, OR 97203

STATE LAND BOARD

BARBARA ROBERTS  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee by **December 1, 1994** or by the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call Field Operations at 378-3805 ext. 0.

Permit No.: RP 1055  
Waterway: Willamette R.  
Expiration Date: 1/11/98  
Fee: \$150.00



775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844

SCHN00318848

# INTERNATIONAL TERMINAL 5

SCHNITZER STEEL PRODUCTS CO.  
12005 N. Burgard, Portland, OR 97203 (503) 286-6934



November 16, 1994

Oregon Division of State Lands  
775 Summer Street NE  
Salem, Oregon 97310-1337

RE: Dredge Permit RP 1055

Enclosed is a check for \$150.00 to cover the annual bill for the multi-year permit, with an expiration date of 1/11/98.

If there are any problems, please call 503-286-6934.

Thank You,

Stan Burton  
Vice President Terminal Operations

RECEIVED

NOV 21 1994

DIVISION OF STATE LANDS  
REMITTANCE \$

150.00

*Mem 11-29-94*

SCHN00318849

# Oregon



## DIVISION OF STATE LANDS

STATE LAND BOARD

JOHN A. KITZHABER  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844  
TTY (503) 378-4615

November 22, 1995

RP 1055  
ATTN: Stan Burton  
Schnitzer Investment Corp.  
12005 Burgard Rd.  
Portland, OR 97203

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee by **December 11, 1995**.

If you have any questions regarding the permit program or this billing letter, please call Mindy Manley, 378-3805, extension 275.

Permit No.:	RP 1055
Waterway:	Willamette R.
Expiration Date:	1/11/98
Fee:	\$150.00

*last pd  
11/21/94*

wppermit:113

SCHN00318850

# Oregon



## DIVISION OF STATE LANDS

### STATE LAND BOARD

JOHN A. KITZHABER  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844  
TTY (503) 378-4615

MAILED 82 1996

March 25, 1996

Mr. Stan Burton  
Schnitzer Investment Corp.  
12005 Burgard Road  
Portland, Oregon 97203

*new contact  
and address  
see address  
book base  
change*

Re: Permit No. RP-1055  
Waterway: Willamette River  
Expiration Date: January 11, 1998

Dear Mr. Burton:

Our records indicate that the fee of \$150.00 required for your multi-year permit for the activity on the Willamette River, has not been received by our office for 1996. Please remit the \$150.00, by April 8, 1996, if you wish to continue the activity described in your permit. If we do not hear from you by that date, we will consider the project to be completed and expire the file. If you have already paid, please send us a copy of the cancelled check to help clear up this matter.

If you have any questions, please call me at 503-378-3805, extension 275.

Sincerely,

*Mindy Manley*

Mindy Manley  
Resource Coordinator Assistant  
Field Operations

foloup1055.doc

RECEIVED

APR - 6 1996

DIVISION OF STATE LANDS  
REMITTANCE

150.00

SCHN00318851

# Oregon



## DIVISION OF STATE LANDS

STATE LAND BOARD

JOHN A. KITZHABER  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844  
TTY (503) 378-4615

March 25, 1996

*Jim Todd*  
Mr. Stan Burton  
Schnitzer Investment Corp.  
~~12005 Burgard Road~~ *PO Box 10047*  
Portland, Oregon 97203

*DB updated  
4-3-96  
mam*

Re: Permit No. RP-1055  
Waterway: Willamette River  
Expiration Date: January 11, 1998

Dear Mr. Burton:

Our records indicate that the fee of \$150.00 required for your multi-year permit for the activity on the Willamette River, has not been received by our office for 1996. Please remit the \$150.00, by April 8, 1996, if you wish to continue the activity described in your permit. If we do not hear from you by that date, we will consider the project to be completed and expire the file. If you have already paid, please send us a copy of the cancelled check to help clear up this matter.

If you have any questions, please call me at 503-378-3805, extension 275.

Sincerely,

*Mindy Manley*

Mindy Manley  
Resource Coordinator Assistant  
Field Operations

foloup1055.doc

*See brief notes for explanation - 4-3-96*

SCHN00318852



# Oregon

John A. Kitzhaber, M.D., Governor

November 28, 1997

## Division of State Lands

775 Summer Street NE

Salem, OR 97310-1337

(503) 378-3805

FAX (503) 378-4844

TTY (503) 378-4615

RP 1055

ATTN: Tim Todd

Schnitzer Investment Corp.

PO Box 10047

Portland OR 97210

RE: Permit No.: RP 1055  
Waterway: Willamette R.  
Expiration Date: 1/11/98

## State Land Board

John A. Kitzhaber  
Governor

Phil Keisling  
Secretary of State

Jim Hill  
State Treasurer

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. However, an **updated application must be submitted!** If you plan to do any additional work or have a change in your original plan, a new application must be submitted. Enclosed is a blank application and a copy of the current application. Fill in all appropriate information, provide readable and easily photocopied maps showing the project's location and drawings giving both overhead and cross-sectional views of the project. **Please make sure the application is complete, paying particular attention to Sections 7, 8 and 9.**

Please mark the appropriate box below and return this letter with the updated application and renewal fee, when applicable, to our office by **December 5, 1997**. You may fax your response to the **Field Operation Section** and send the billing letter, updated application, and payment under separate cover. The division's fax number is **503-378-4844**. If you have any questions or need additional applications, please call Tina Wold at **378-3805 ext. 230**.

☐ **DO NOT RENEW:** (please mark one)

☐ The project has been completed

☐ I/We have decided not to do this project

☐ **PLEASE RENEW:** (Please submit \$150.00)

**NOTE:** If we have NOT received a response to this letter within 30 days of the expiration date noted above, we will consider the project complete and close the file. **HOWEVER**, when applicable, any wetland mitigation requirements including those relating to the monitoring of wetland mitigation, regardless of the status of your permit, continue to be in force as specified by your permit conditions.

WPPERMIT:112

SCHN00318853





# Oregon

Theodore R. Kulongoski, Governor

## Department of Environmental Quality

811 SW Sixth Avenue

Portland, OR 97204-1390

503-229-5696

TTY 503-229-6993

DIVISION OF STATE LANDS  
RECEIVED

2004 FEB -6 P 2 57

RF-1055

February 5, 2004

Ms. Mary J. Headley  
U.S. Army Corps of Engineers  
ATTN: CENPP-CO-GP  
P.O. Box 2946  
Portland, OR 97208-2946

Dear Ms. Headley,

The Department of Environmental Quality (DEQ) has reviewed U.S. Army Corps of Engineers (USACE, Corps) Permit Application numbers 1991-00099, and 1992-00812, [Division of State Lands (DSL) # RF1055, and 30895-RP respectively] for maintenance dredging. The applicant, Schnitzer Steel Industries, proposes to remove sedimentary materials from their International Terminals Slip, Berths 1, 2, and 3 (Project # 1991-00099); and Berths 4 and 5 (1992-00812). The project site is located at River Mile (RM) 3.8 and RM 4.1 respectively of the east shore Willamette River in Portland, Multnomah County, Oregon (Section 35, T2N/R1W).

The project involves maintenance dredging to a depth of -42 feet Columbia River Datum (CRD) to maintain safe navigational access and berthing for existing facilities at the International Terminals Slip. Over the life of the 5-year permit and certification the applicant proposes to dredge a total of 228,000 cubic yards (CY) from the facility (127,000 CY and 101,000 CY respectively). Initial dredge volumes are calculated at 138,000CY (77,000CY and 61,000 CY respectively). The remainder will be removed on alternate years from locations as required to maintain berthing depths. All dredged materials will be removed by clamshell dredge and transported by rail, truck, or barge to an approved upland facility.

The International Terminal is located in an area that the US Environmental Protection Agency (EPA) has designated an area of interest under the Superfund program. A letter dated November 2, 2001 from Sally Marquis, Manager, Aquatic Resources Unit, EPA, to Ms. Judy Linton, USACE, outlines protocol for conducting necessary maintenance dredging of facilities within the Superfund Site. It contains a reference to a "Superfund Condition" which has been provided to the Corps for inclusion in all Section 404 permits that they issue for the Portland Harbor area.

This project was determined by the Corps to be covered for ESA consultation under the *Programmatic Biological Opinion and Magnusson-Stevens Act Essential Fish Habitat Consultation for Standard Local Operating Procedures for Endangered Species (SLOPES II) for Certain Regulatory and Operations Activities Carried Out by the Department of Army Permits in Oregon and the North Shore Columbia River* dated July 8, 2003.

The Willamette River is classified as Water Quality Limited under Section 303(d) of the Federal Clean Water Act for the following parameters: Bacteria [Fecal Coliform (Fall/Winter/Spring)]; Toxics: [Tissue-Mercury (Year Round)]; Temperature (Summer); and Biological Criteria (Fish Skeletal Deformities).

DEQ-1

SCHN00318854


Ms. Headley  
Page 3

- 10) In the event of a discharge of oil, fuel, or other chemicals into State waters, or onto land with a potential to enter State waters, containment and cleanup shall begin immediately and be completed as soon as possible.
- 11) Spills into State waters, or onto land with a potential to enter State waters, shall be reported immediately to the DEQ Spill Response Team [Northwest Region/Portland: (503) 229-5614].
- 12) DEQ reserves the option to modify, amend or revoke this WQC, as necessary, in the event new information indicates that the dredging/disposal activities are having a significant adverse impact on State water quality or critical fish resources.
- 13) A copy of this WQC letter shall be kept on the job site and readily available for reference by the Corps of Engineers, DEQ personnel, the contractor, and other appropriate state and local government inspectors.
- 14) This WQC is invalid if the project is operated in a manner not consistent with the project description contained in the Public Notice for certification.
- 15) DEQ is to have site access upon request.
- 16) If you are dissatisfied with the conditions contained in this certification, you may request a hearing before the Environmental Quality Commission. Such request must be made in writing to the Director of DEQ within 20 days of the mailing of this certification. You may also request written information about alternative dispute resolution services under Oregon Revised Statute 183.502, including mediation or any other collaborative problem-solving process.

The DEQ hereby certifies that this project complies with the Clean Water Act and state water quality standards, if the above conditions are made a part of the Federal permit.

The applicant shall notify the DEQ of any change in the ownership, scope, or construction methods of the project subsequent to certification. If you have any questions, please contact Tom Melville, (503) 229-5845.

Sincerely,

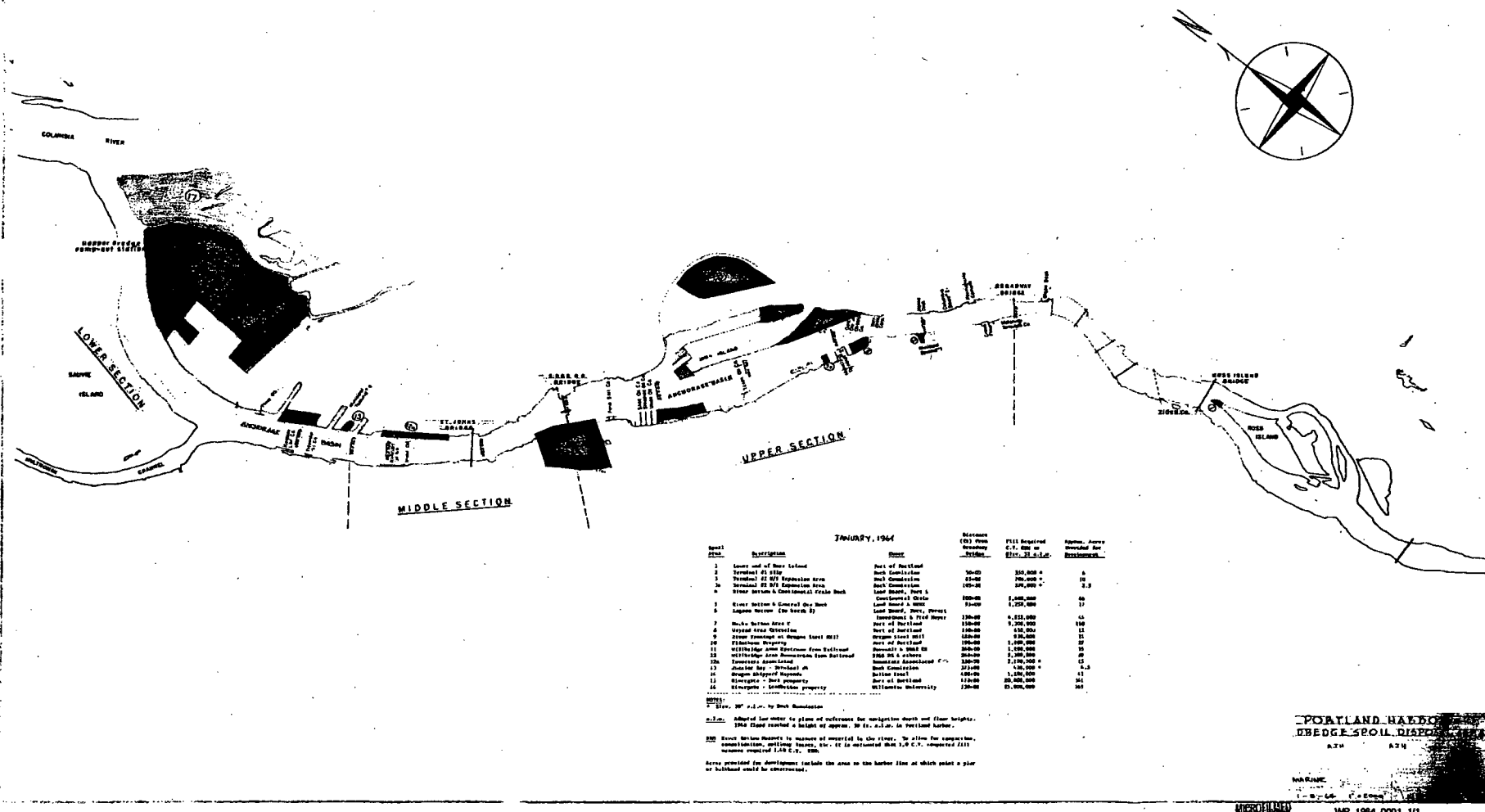


Michael T. Dlewelyn, Administrator  
Water Quality Division

T:TM.Certhead.91-099&92-812

cc: Applicant  
Neil Mullane, DEQ  
Kirk Jarvie, DSL

SCHN00318855







NPPND-RF-1

DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208

RP 244  
100.00  
**RECEIVED**  
JUL 15 1980  
DIVISION OF STATE LANDS

9 July 1980

**PUBLIC NOTICE**

Expiration Date: 11 August 1980

Reference No: 071-OYA-2-003688

(Willamette River - Dredging)

Interested parties are hereby notified that application has been received for Department of the Army permit to perform work in navigable waters of this Engineer District.

Applicable Statutory Authority or Authorities:

(X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403):

(X) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act of 1977 (P.L. 95-217):

( ) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532):

Applicant: Schnitzer Steel Products Company  
3200 N.W. Yeon Avenue  
Portland, OR 97210

Location of Work: Willamette River, Mile 4.1, at Portland, Multnomah County, Oregon.

Description of Work: Performance of maintenance dredging. The proposed work will consist of dredging to a maximum depth of -35 feet CRD, removing approximately 10,000 cubic yards of sand and silt over the life of the permit. The work is to be performed by clamshell, with the dredged material being loaded on barges, and off-loaded in Swan Island Lagoon. This work is shown on the attached drawing marked 003688 (Willamette River - Dredging). The permit, if issued, will be for a 5-year period.

Purpose and Intended Use: To provide working depth for the loading of vessels.

→ Richard Rappaport 2249900

SCHN00318865

NPPND-RF-1  
003688

Additional Information: Additional information may be obtained from Dr. Leonard Schnitzer, Schnitzer Steel Products Company, 3200 Yeon Avenue, Portland, OR 97210, telephone (503) 224-9900, or LeRoy Schram, Portland District, Corps of Engineers, Regulatory Functions Branch, (503) 221-6995.

Special Conditions: The requested permit, if issued, will be subject in part to the following conditions:

- a. Care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.
- b. Work in the waterway will be done so as to minimize turbidity increases in the water, which tend to degrade water quality and damage aquatic life.
- c. If a bucket dredge of any type, including but not limited to, grab or clamshell, dipper, dragline, or backhaul bucket, is used, all digging passes of the bucket shall be completed without any material, once in the bucket, being returned to the wetted area, except as approved.
- d. The disposal area, method of disposal, or method of dredging will not be changed without prior written approval of the District Engineer.
- e. When the District Engineer has been notified by a fishery agency that a filling activity is adversely affecting fish or wildlife resources or the harvest thereof, and when the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity, to the extent required to mitigate or eliminate the adverse effect.

Water Quality Certification: A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act of 1977 (P.L. 95-217), has been received from the certifying state.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Section 404(b) Evaluation: The impact of the activity on the public interest will be evaluated by EPA guidelines under authority of Section 404(b) of the Clean Water Act.

NPPND-RF-1  
003688

Endangered Species: Preliminarily, the described activity will not affect an endangered species, or their critical habitat designated as endangered or threatened, pursuant to the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation pursuant to Section 7 of the Act with the Department of the Interior is not required for the described activity.

Floodplain Management: Evaluation of the proposed activity will include: conformance with appropriate State or local floodplain standards; consideration of alternative sites and methods of accomplishment; and weighing of the positive, concentrated and dispersed, and short- and long-term impacts on the floodplain.

Cultural Resources: The property described is not a registered property in the latest published version of the National Register of Historic Places, nor is it eligible for inclusion in the Register. This District is not aware of the presence of any cultural resources at the described worksite.

Environmental Impact Statement Determination: A preliminary determination has been made that an Environmental Impact Statement is not currently required for the described work.

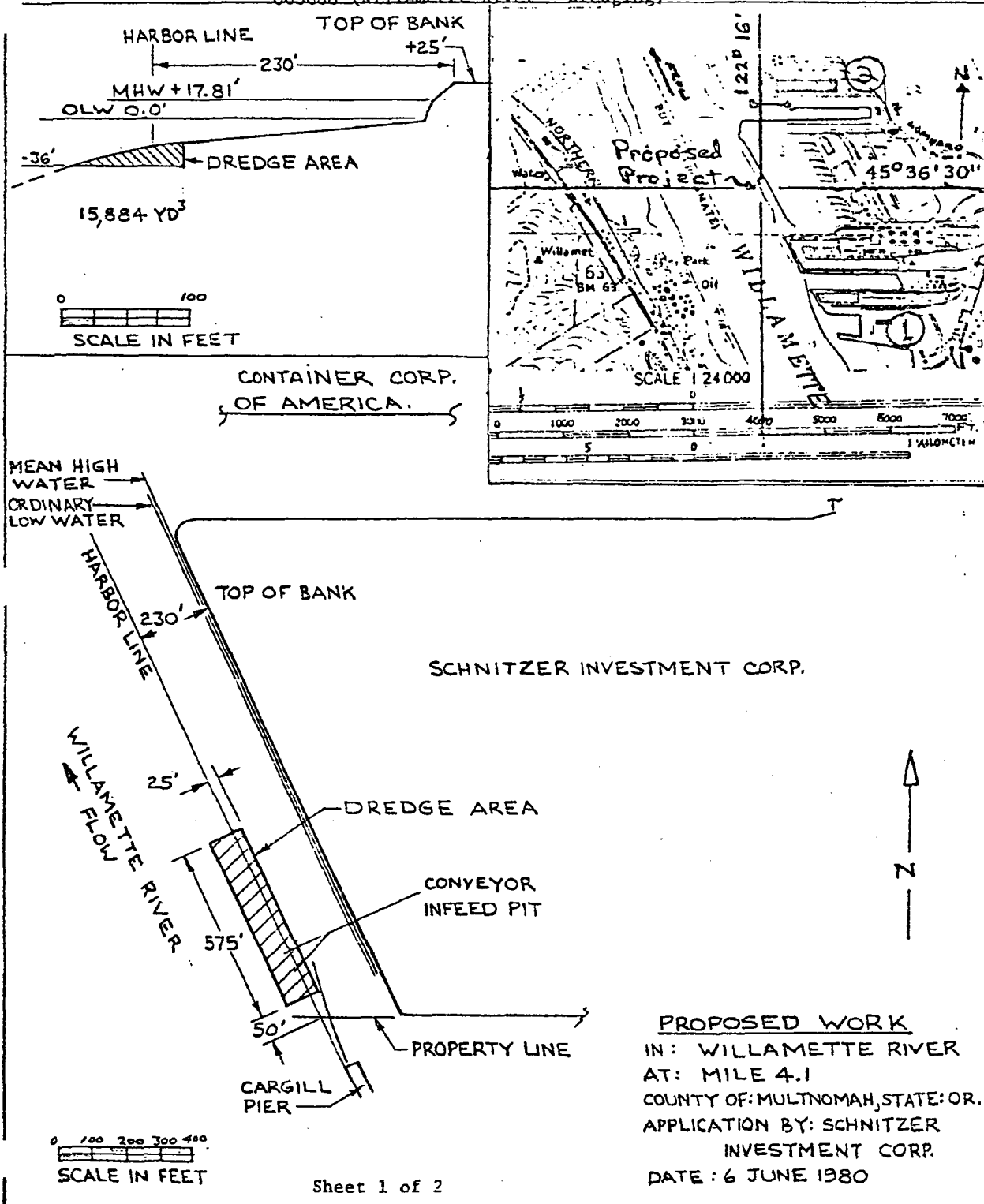
Public Interest Review: The decision whether to issue a permit will be based upon an evaluation of the probable impact of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and, in general, the needs and welfare of the people.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

Comments on the described work should reach this office not later than expiration date of this Public Notice.

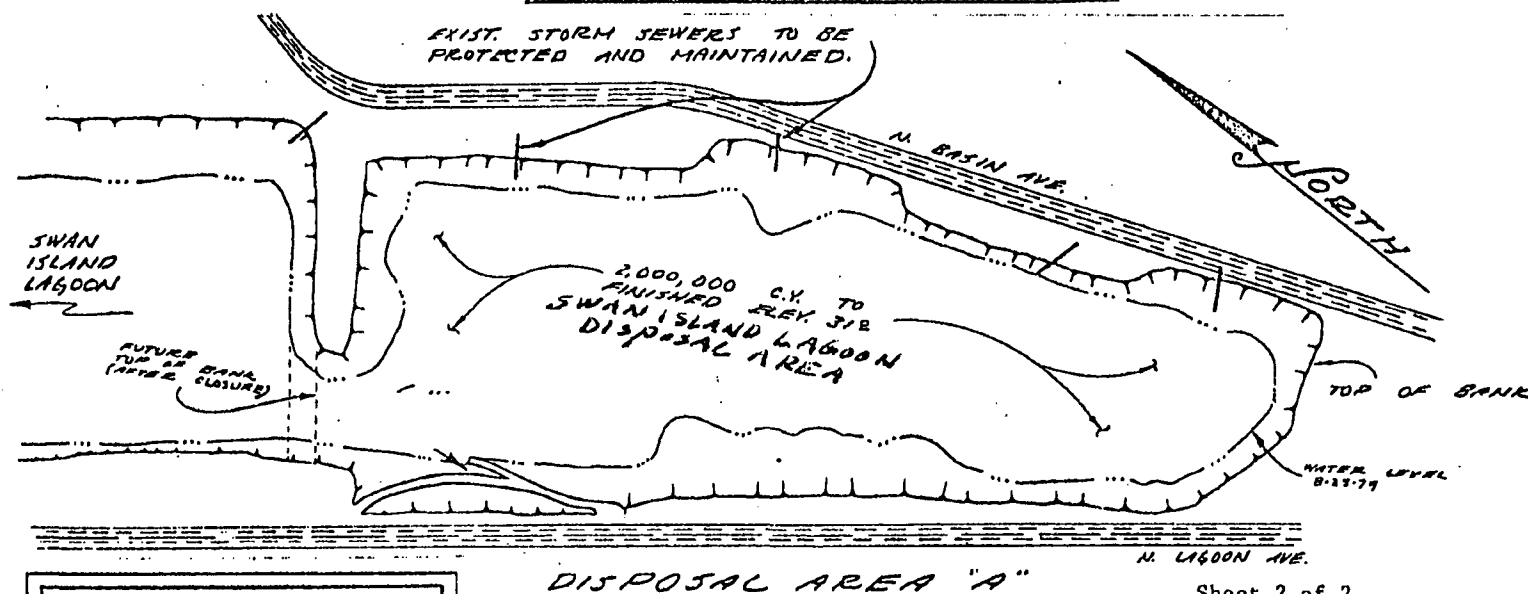
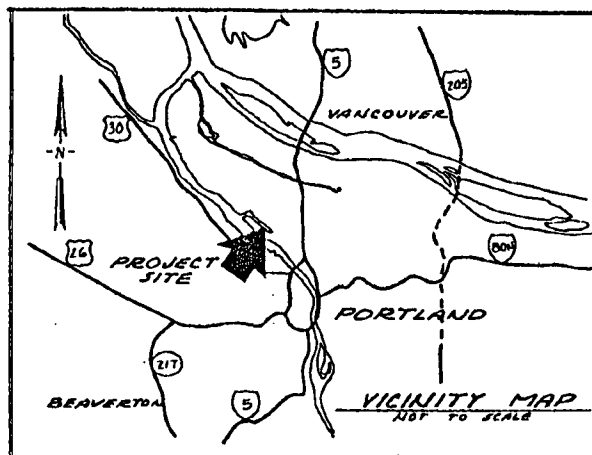
  
J. HEINEMAN  
Chief, Navigation Division

003688 (Willamette River - Dredging)



SCHN00318868





THIS DRAWING REDUCED  
50 %  
OF ORIGINAL SIZE

DATE 5-2-75  
SCALE 1"=200'

scale in feet  
0 400



THE PORT OF PORTLAND  
PORTLAND, OREGON

MARINE TERMINAL  
MAINTENANCE DREDGING  
DISPOSAL AREA "A"

Submitted by [Signature] 5-75-1

001902 (Williamett River - Dredging)

SCHN00318869

## Send to:

Division of State Lands  
1445 State Street  
Salem, Oregon 97310

## FOR DIVISION USE

Please return by \_\_\_\_\_  
Date Received \_\_\_\_\_  
Permit No. RP 3294  
Waterway WILLAMETTE RIVER  
County MULTNOMAH COUN

APPLICATION FOR REMOVAL OR FILL PERMIT  
(ORS Chapter 541.605 et seq.)

## Please Print

1. Applicant's Name SCHNITZER STEEL PRODUCTS CO.  
Address 3200 NW Yeon Avenue, Portland, Oregon 97210 Phone 224-9900  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
2. Project Supervisor's Name Mr. Bruno Moreschi Phone 286-5771
3. Property Owner's Name SCHNITZER INVESTMENT CORP.  
Address 3200 NW Yeon Avenue Phone 224-9900  
City Portland, State Oregon Zip Code 97210
4. Waterway affected by project Willamette Tributary of Columbia  
County Multnomah River 4.1 Mile 35 Section 35 Township 2N Range 1W  
Local name for project location International Terminals
5. Purpose(s) of project Maintenance Dredging
6. Describe your proposed operation (Attach additional sheet if necessary):  
Perform maintenance dredging to allow proper working depth for the docking  
of vessels. Approximately 10,000 cubic yards of material will be removed  
by clamshell to a depth of 35 feet below zero mean average.
7. When will project start? Immediately upon permit Be completed? Within two weeks there-  
issuance.
8. Project will be: Removal X Fill \_\_\_\_\_ Combination \_\_\_\_\_ Riprap \_\_\_\_\_ after \_\_\_\_\_
9. Fill will consist of: rock \_\_\_\_\_ gravel \_\_\_\_\_ sand \_\_\_\_\_ silt \_\_\_\_\_ other \_\_\_\_\_  
Removal will consist of: rock \_\_\_\_\_ gravel \_\_\_\_\_ sand \_\_\_\_\_ silt \_\_\_\_\_ other \_\_\_\_\_
10. Amount of Fill (cu.yds.) annually \_\_\_\_\_ total project \_\_\_\_\_  
Amount of Removal (cu. yds.) annually \_\_\_\_\_ total project 10,000
11. Where will you place surplus materials? Swan Island Lagoon
12. What steps do you plan to take to restore the area to its natural condition?  
The dredged area will fill naturally at which time maintenance dredging  
must be performed again.

Signed



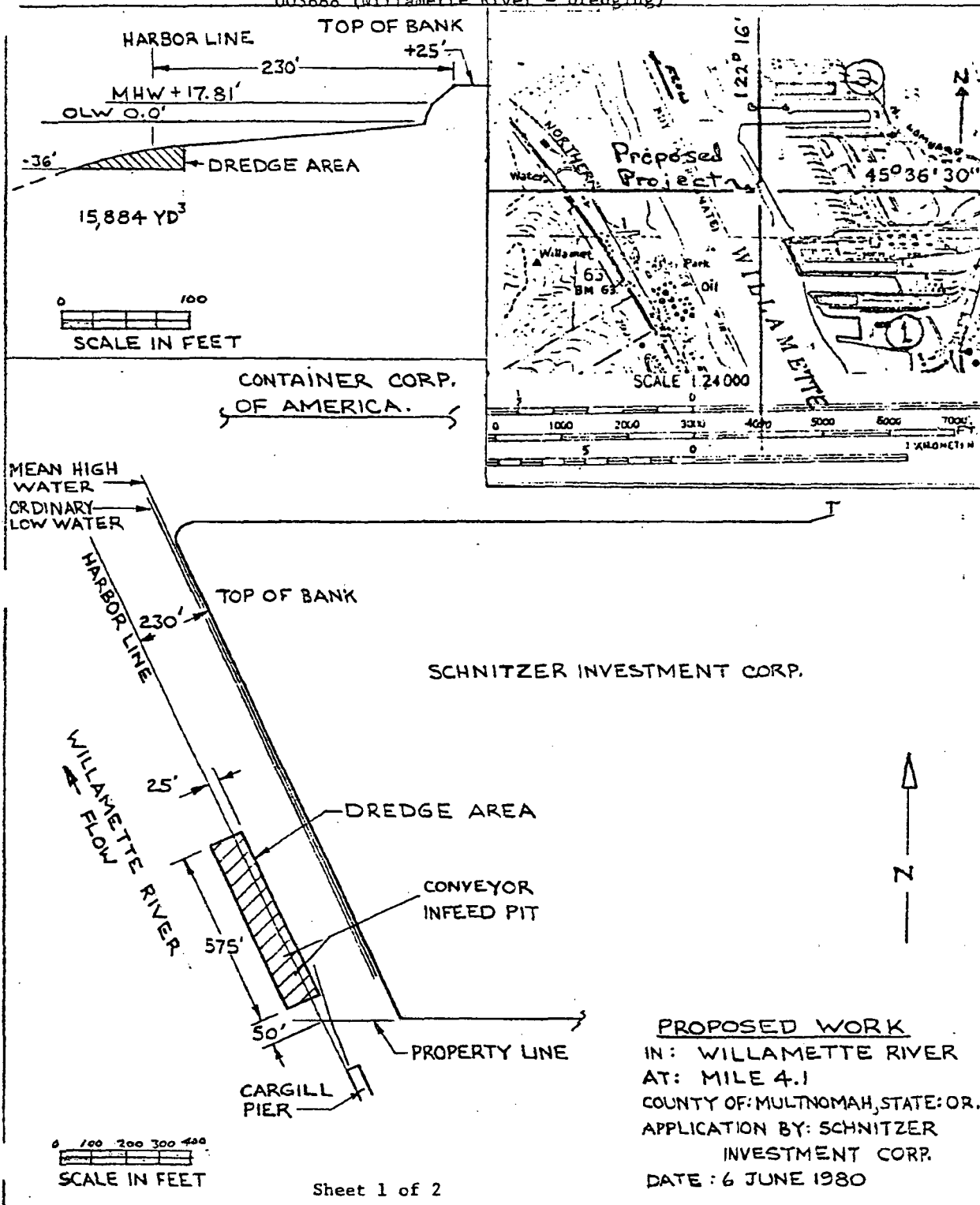
Dr. Leonard Schnitzer

Title PresidentDate 7-31-80

CONTINUED ON BACK OF SHEET

RECEIVED  
AUG 8 1980  
DIVISION OF STATE LANDS  
REMITTANCE \$ 100.00

003688 (Willamette River - Dredging)



SCHN00318871

NPPND-RF-1  
003688

Endangered Species: Preliminarily, the described activity will not affect an endangered species, or their critical habitat designated as endangered or threatened, pursuant to the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation pursuant to Section 7 of the Act with the Department of the Interior is not required for the described activity.

Floodplain Management: Evaluation of the proposed activity will include: conformance with appropriate State or local floodplain standards; consideration of alternative sites and methods of accomplishment; and weighing of the positive, concentrated and dispersed, and short- and long-term impacts on the floodplain.

Cultural Resources: The property described is not a registered property in the latest published version of the National Register of Historic Places, nor is it eligible for inclusion in the Register. This District is not aware of the presence of any cultural resources at the described worksite.

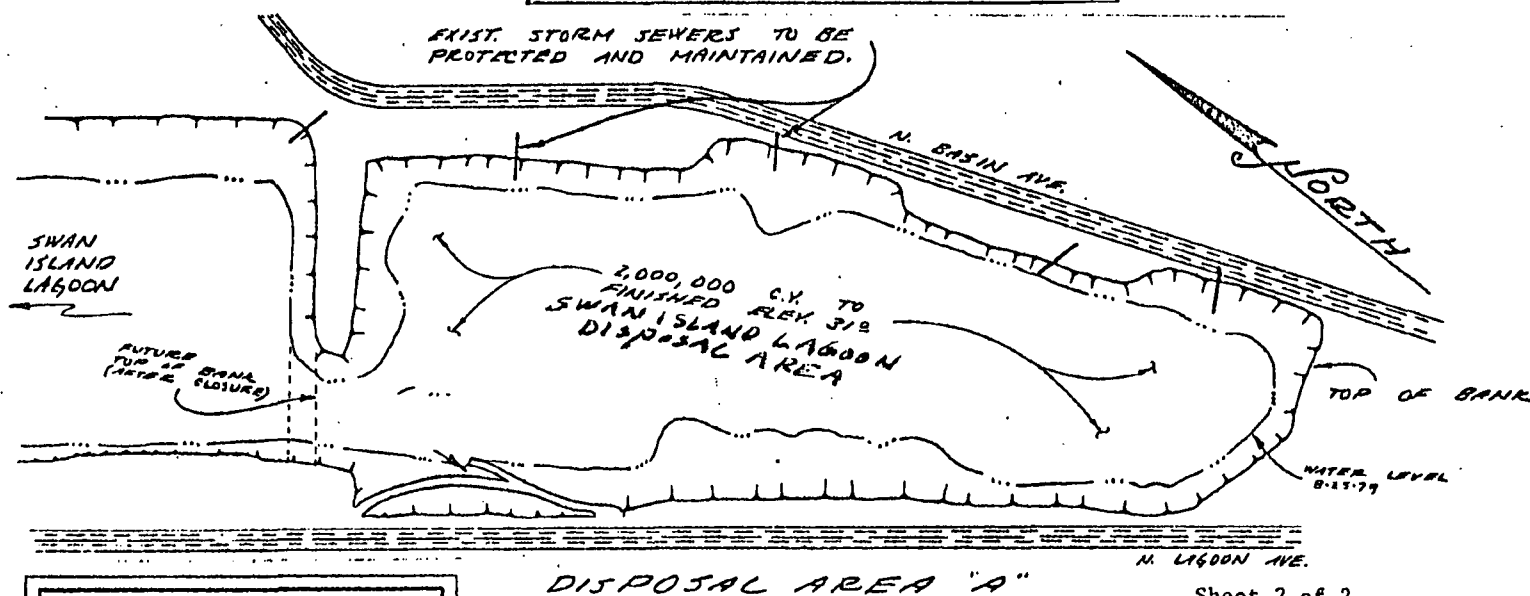
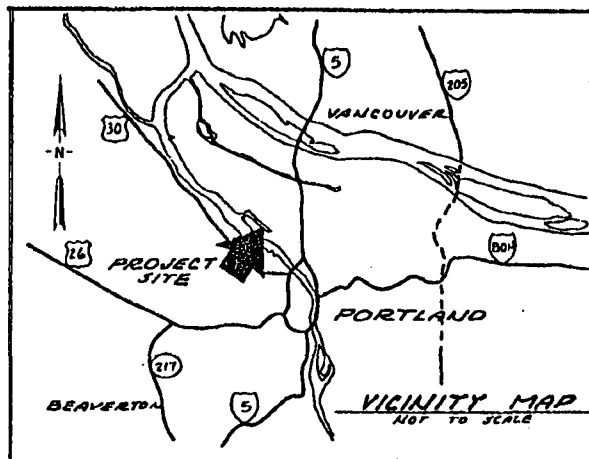
Environmental Impact Statement Determination: A preliminary determination has been made that an Environmental Impact Statement is not currently required for the described work.

Public Interest Review: The decision whether to issue a permit will be based upon an evaluation of the probable impact of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food production, and, in general, the needs and welfare of the people.

Additional Requirements: State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

Comments on the described work should reach this office not later than expiration date of this Public Notice.

  
J. HEINEMAN  
Chief, Navigation Division



THIS DRAWING REDUCED  
50 %  
OF ORIGINAL SIZE

DISPOSAL AREA "A"

Sheet 2 of 2

DATE 1-2-75  
SCALE 1" = 2,000'

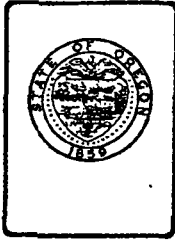
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THE PORT OF PORTLAND  
PORTLAND, OREGON  
MARINE TERMINAL  
MAINTENANCE DREDGING  
DISPOSAL AREA "A"  
DESIGNED BY  
07-75-1-1-51

001902 (Willamette River - Dredging)

SCHN00318873



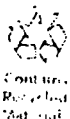
Victor Atiyeh  
Governor

## *Department of Environmental Quality*

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229- 5356

### PUBLIC NOTICE

The following shall constitute public notice by the State of Oregon that the Department of Environmental Quality, pursuant to the requirements of Section 401 of the Clean Water Act of 1977, PL 95-217 has been requested to certify that there is reasonable assurance that the project described in Corps of Engineers Public Notice No. 071-OYA-2-003688 will not violate applicable water quality standards. Comments regarding possible water quality effects of the proposed project shall be sent within 30 days to the Department of Environmental Quality, P. O. Box 1760, Portland, Oregon 97207.



DEQ-1

SCHN00318874

Division of State Lands  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059  
378-3805

Permit No. 3294  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date August 26, 1981  
PN 003683

SCHNITZER STEEL PRODUCTS CO.

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF HIS APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulations pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. Creation of new lands upon submerged or submersible lands must comply with provisions of ORS 274.905 et seq.
4. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
5. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
6. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
7. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
8. The Division of State Lands retains authority to temporarily halt or modify the operation if it should cause excessive turbidity or damage to natural resources.
9. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

William S. Cox, Director  
Oregon Division of State Lands

/s/ Stanley T. Hamilton  
Authorized Signature

August 26, 1980  
Date Issued

SCHN00318875

ATTACHMENT A

Special Conditions for Material Removal Permit No. 3294

1. This permit authorizes the removal of up to 10,000 cubic yards of material in Section 35, T2N, R1W (International Terminals) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. Waste materials and spoils shall be placed in designated area of Swan Island Lagoon.
4. There shall be no removal in the permit area between February 15 and May 15 nor between September 1 and September 30.
5. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

August 26, 1980

SCHN00318876



Application No. 07 1-2-003688  
Name of Applicant SCHNITZER STEEL PRODUCTS COMPANY  
Effective Date 14 October 1980  
Expiration Date (If applicable) 31 October 1985

DEPARTMENT OF THE ARMY  
PERMIT

RECEIVED  
OCT 16 1980  
DIVISION OF STATE LANDS

Referring to written request dated 27 November 1979 for a permit to:

(X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

(X) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92-500);

( ) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92-532);

Schnitzer Steel Products Company  
3200 N.W. Yeon Avenue  
Portland, Oregon 97210

is hereby authorized by the Secretary of the Army:

to Dredge to a maximum depth of -35 feet CRD, removing approximately 10,000 cubic yards of sand and silt over the life of the permit. The maintenance dredging is to be performed by clamshell, with the dredged material being loaded onto barges and off-loaded in Swan Island Lagoon disposal site.

in Willamette River, Mile 4.1, Multnomah County,

at Portland, Oregon.

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks.)

003688 (Willamette River - Dredging)

subject to the following conditions:

I. General Conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENG FORM 1721 EDITION OF 1 APR 74 IS OBSOLETE.  
1 JUL 77

(ER 1145-2-303)

SCHN00318877

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Federal Water Pollution Control Act of 1972 (P.L. 92-500; 86 Stat. 816), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, of any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementat on plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this permit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not started on or before \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, (one year from the date of issuance of this permit unless otherwise specified) and is not started on or before \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, (three years from the date of issuance of this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

s. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

II. Special Conditions: (Here list conditions relating specifically to the proposed structure or work authorized by this permit):

a. Care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.

b. Work in the waterway will be done so as to minimize turbidity increases in the water, which tend to degrade water quality and damage aquatic life.

c. If a bucket dredge of any type, including but not limited to, grab or clamshell, dipper, dragline, or backhaul bucket, is used, all digging passes of the bucket shall be completed without any material, once in the bucket, being returned to the wetted area, except as approved.

d. The disposal area, method of disposal, or method of dredging will not be changed without prior written approval of the District Engineer.

e. When the District Engineer has been notified by a fishery agency that a filling activity is adversely affecting fish or wildlife resources or the harvest thereof, and when the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity, to the extent required to mitigate or eliminate the adverse effect.

f. Work performed under this permit is further subject to such enforcement actions as may be instituted by the State of Oregon or its agencies under the provisions of Division of State Lands Removal Permit No. 3294.

The following Special Conditions are applicable when appropriate:

**STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES**

a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

**MAINTENANCE DREDGING:**

a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for \_\_\_\_\_ years from the date of issuance of this permit (ten years unless otherwise indicated);

b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

**DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:**

a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the FWPCA and published in 40 CFR 230;

b. That the discharge will consist of suitable material free from toxic pollutants in other than trace quantities;

c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution; and

d. That the discharge will not occur in a component of the National Wild and Scenic River System or in a component of a State wild and scenic river system.

**DUMPING OF DREDGED MATERIAL INTO OCEAN WATERS:**

a. That the dumping will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.

b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

\_\_\_\_\_  
PERMITTEE

\_\_\_\_\_  
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

\_\_\_\_\_  
TERENCE J. CONNELL  
Colonel, Corps of Engineers

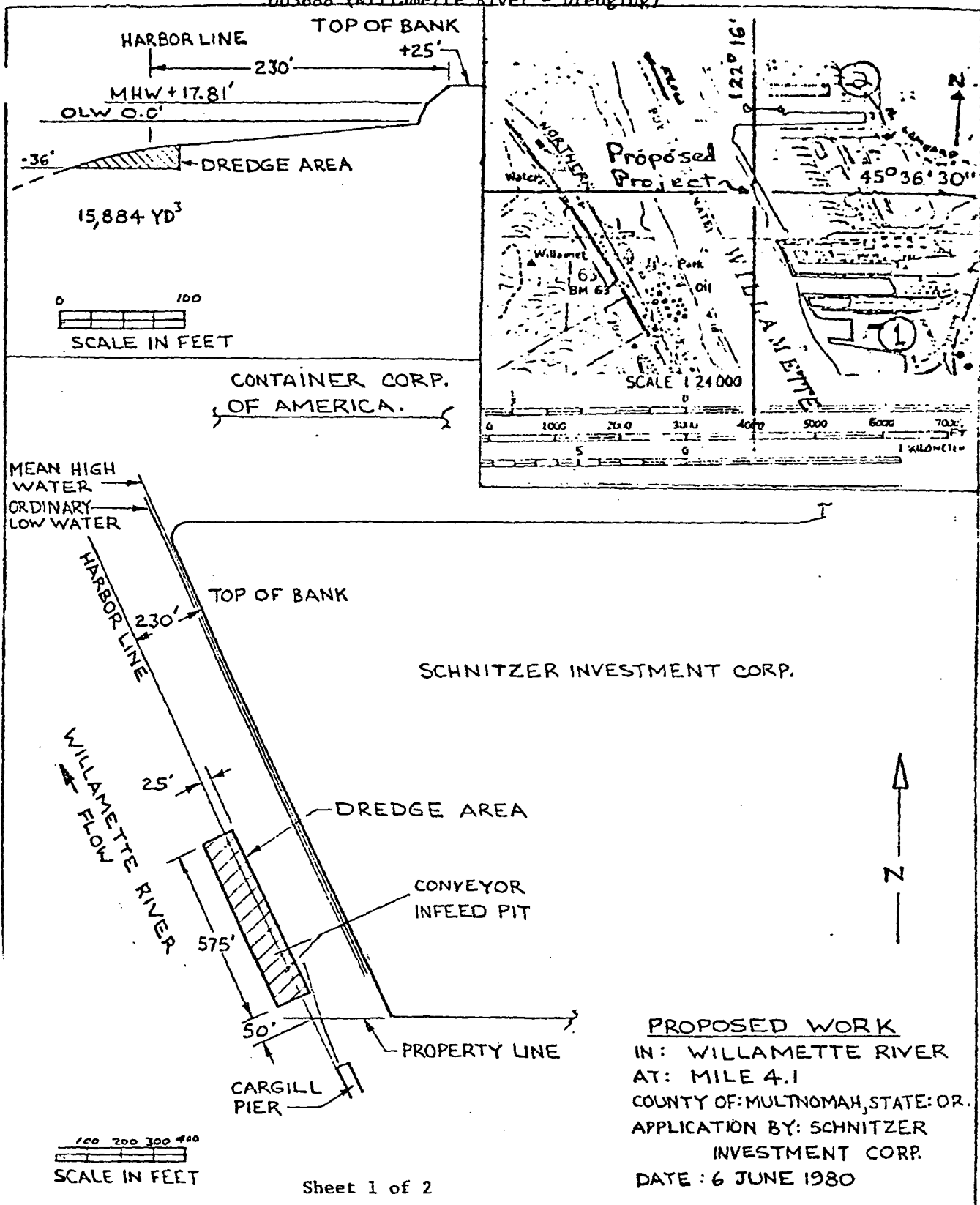
\_\_\_\_\_  
DATE

DISTRICT ENGINEER,  
U.S. ARMY, CORPS OF ENGINEERS

Transferee hereby agrees to comply with the terms and conditions of this permit.

\_\_\_\_\_  
TRANSFEREE

\_\_\_\_\_  
DATE



SCHN00318881

## JOINT APPLICATION FOR PERMIT

U.S. ARMY CORPS OF ENGINEERS  
STATE OF OREGON, DIVISION OF STATE LANDS

WHEREAS Department of the Army permits for proposed work in or affecting navigable waters of the United States, the discharge of dredged or fill material into those waters, and the transport of dredged material for the purpose of dumping it into ocean waters are authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act of 1977, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, respectively, ---AND---permits for that part of those project activities which includes the removal or fill in the waterways of Oregon of rock, gravel, silt, and clay are authorized by the State of Oregon under O.R.S. 541.605 to 541.695---THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES.

For Agency Use Only	Corps of Engineers # _____	For Agency Use Only	State of Oregon # <u>RP 3294</u>
	Date received _____		Date received _____
Name of Waterway <u>Willamette River</u>		River Mile <u>4.1</u>	Local Name <u>International Terminals</u>
Section <u>35</u>		Township <u>2N</u>	Range <u>1W</u>
Estimated Starting Date of Project <u>July, 1985</u>		Estimated Completion Date of Project <u>1985</u>	
NAME OF APPLICANT <u>Schnitzer Steel Products Co.</u>		AUTHORIZED AGENT <u>Dr. Leonard Schnitzer</u>	
Address <u>3200 N.W. Yeon Avenue</u>		Address <u>3200 N.W. Yeon Avenue</u>	
City, State, Zip Code <u>Portland OR 97210</u>		City, State, Zip Code <u>Portland OR 97210</u>	
Phone: Work <u>(503) 224-9900</u> Home <u>( )</u>		Phone: Work <u>(503) 224-9400</u> Home <u>( )</u>	
PROJECT SUPERVISOR <u>Bruno Moreschi</u>		Phone: Work <u>(503) 286-5771</u> Home <u>( )</u>	
PROPERTY OWNER IF OTHER THAN APPLICANT <u>Schnitzer Investment Corp.</u>		PROJECT ADDRESS <u>12005 N. Burgard Street</u>	
Address <u>3200 N.W. Yeon Avenue</u>		City, County, State <u>Portland, Multnomah, OR</u>	
City, State, Zip Code <u>Portland, OR 97210</u>		Assessor's Records-- Shown on Map # _____ Tax Lot # <u>71</u> <u>97203</u>	
Phone: Work <u>(503) 224-9400</u> Home <u>( )</u>		Name of Subdivision <u>N/A</u> Lot _____ Block _____	

In order to expedite the processing of this application, the following city and/or county department, which has local jurisdiction over the proposed project, has been contacted:

Name of Department: Jerry Englehart - Building Permits  
Address: 1120 S.W. 5th, Portland OR  
Phone Number: 796-7310

APPROVALS OR CERTIFICATIONS applied for or already obtained from other agencies (Federal, interstate, state, county, city, area) for any of the proposed projects described in this application:

Issuing Agency	Type of Approval	Identification #	Date of Application	Date of Approval
----------------	------------------	------------------	---------------------	------------------

Formerly approved and authorized by permits:

Corps of Engrs.	PERMIT 071-OYA-2-003688	10-31-80
Division of State Lands	PERMIT RP-3294	Renewed 10-12-84

NPP Form 358  
OCT 1980  
141-31-04-80

Inclosure 1

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MAR 01 1985

DIVISION OF STATE LANDS

SCHN00318882

any agency denied approval for the a described herein or for any other by directly related to it?  
is ☒ No If yes, please explain in Remarks.

OWNING PROPERTY ON THE WATERWAY: Give names, addresses, and phone numbers of owners and/or occupants.

MCO, Inc. 286-8341, 12005 N. Burgard Rd., Portland OR 97203  
Port of Portland, Terminal 4, Ft. of N. Lombard, Portland, OR 97203

EXPLAIN IN DETAIL your plans to restore the area to its natural condition.

The dredged area will fill naturally, at which time maintenance dredging must be performed again.

FORMATION FOR FILL OR REMOVAL:

WILL INVOLVE cubic yards annually, and cubic yards for the total project.

☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organic

WILL INVOLVE 10,000 cubic yards annually, and 10,000 cubic yards for the total project.

☐ Rock ☐ Gravel ☐ Sand ☒ Silt ☐ Clay

EXPLAIN IN DETAIL THE PROPOSED ACTIVITY---its primary purpose and secondary purpose, if any,---intended use (private, commercial)---type of structures and use---type of vessels using facility---facilities for handling wastes---mode of conveyance and manner of extraction of any fill or removal---the quantity and composition of, and the source of disposal sites for any fill or removal. (If additional space is needed, use plain sheet of paper.)

Perform maintenance dredging to allow proper working depth for the docking of vessels.

Approximately 10,000 cubic yards of material will be removed by clamshell to a depth of 35 feet below zero mean average.

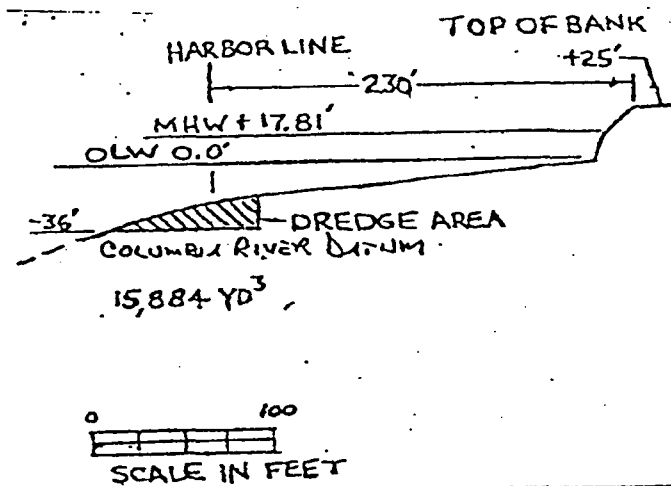
Disposal site will be Linnton Plywood, 10504 St. Helen Road, Portland, OR or property adjacent to Multnomah Channal owned by Zane & Sonja Holmes, as shown on attached maps.

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that, to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

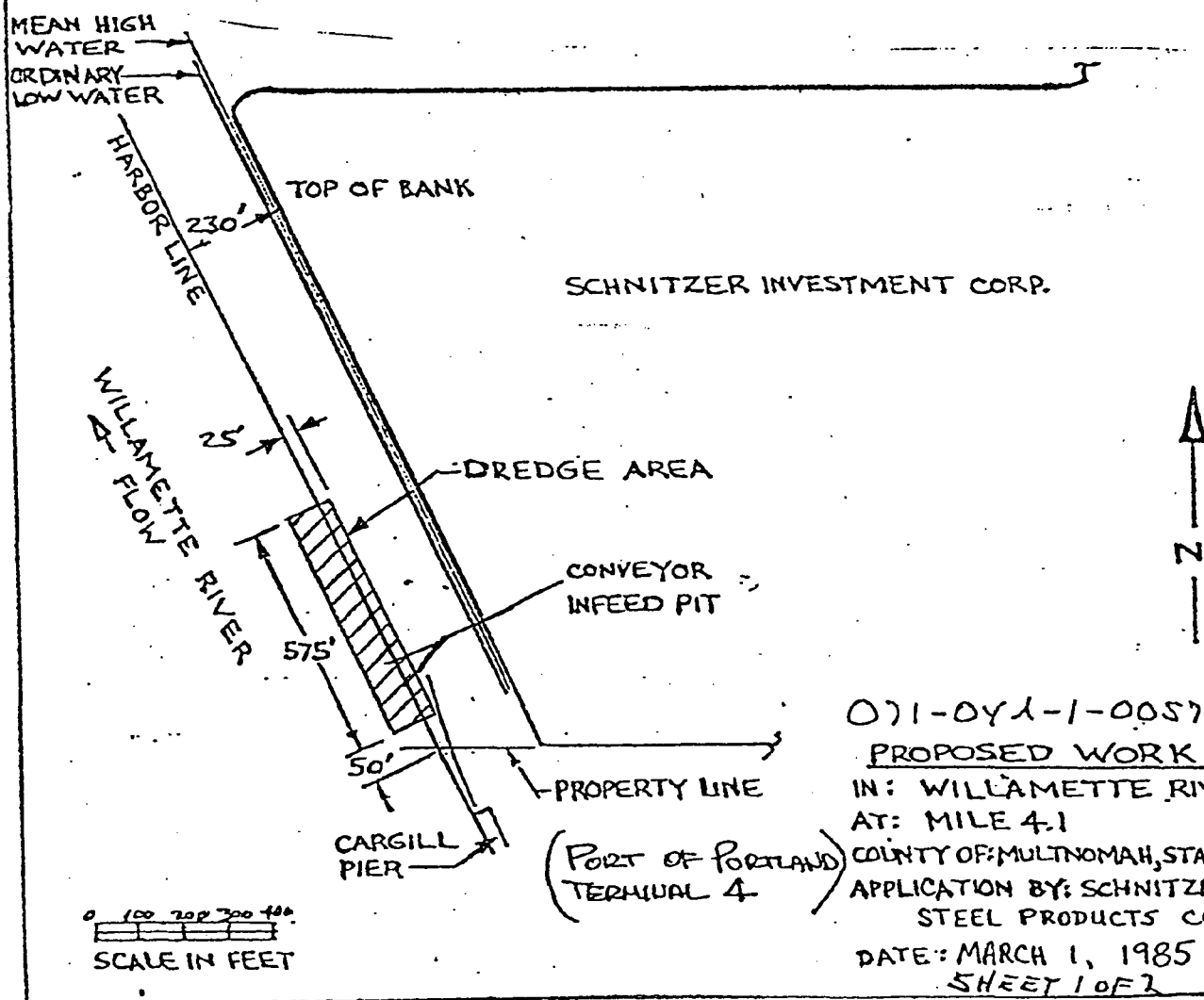
  
Signature of Applicant or Authorized Agent

18 USC 1001 provides in part: "Whoever, in any manner within the jurisdiction of any department . . . of the United States knowingly and willfully falsifies . . . a material fact or makes any false . . . statement or . . . uses any false . . . document . . . shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

SCHN00318883

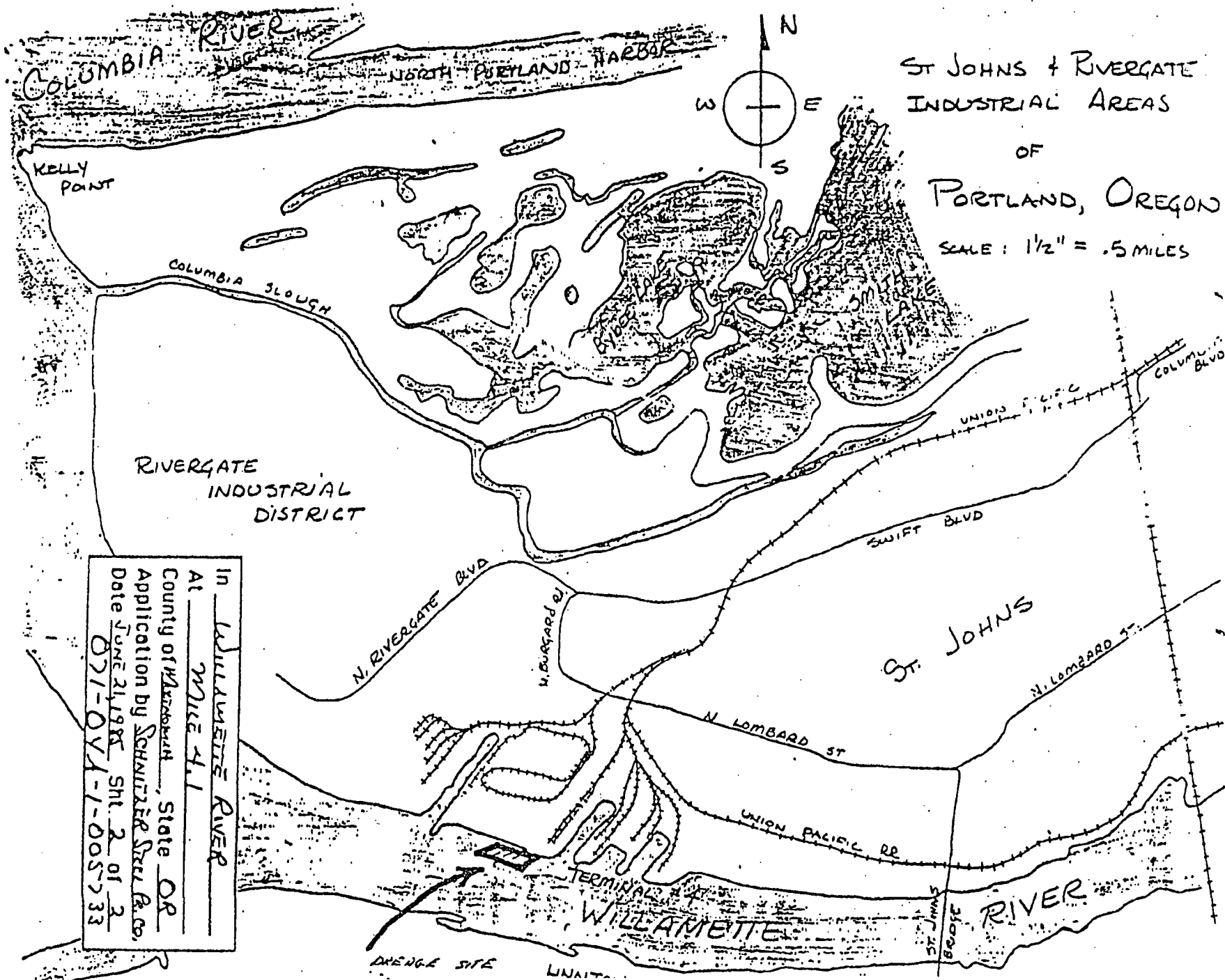


CONTAINER CORP.  
OF AMERICA.



071-0Y1-1-005733  
PROPOSED WORK  
IN: WILLAMETTE RIVER  
AT: MILE 4.1  
COUNTY OF MULTNOMAH, STATE OF  
APPLICATION BY: SCHNITZER  
STEEL PRODUCTS CO.  
DATE: MARCH 1, 1985  
SHEET 1 OF 2





SCHN00318885



**US Army Corps  
of Engineers**

Portland District  
Regulatory Branch  
P.O. Box 2946  
Portland, Oregon 97208-2946

NPPOP-R-1

20-DAY NOTICE

# Public Notice of Application for Permit

**RECEIVED**  
JUL 11 1985  
DIVISION OF STATE LAND

PUBLIC NOTICE DATE: 8 July 1985

CLOSING DATE: 29 July 1985

REFERENCE NUMBER: 071-OYA-1-005733  
(Willamette River-Maintenance Dredging)

Interested parties are hereby notified that application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

APPLICANT: Schnitzer Steel Products Company  
3200 N.W. Yeon Avenue  
Portland, Oregon 97210  
(503) 224-9900

LOCATION: Willamette River, Mile 4.1, at 12005 N. Burgard Street, Portland, Multnomah County, Oregon.

WORK: Dredge to a maximum depth of -36 feet CRD, removing approximately 30,000 cubic yards of sand and silt over the 5-year life of the permit. The maintenance dredging is to be performed by clamshell, with the dredged material being loaded onto barges and off-loaded on an upland site at Mile 17.0, Multnomah Channel, 5510 S.W. 53rd in Portland. This application is for renewal of maintenance dredging, Permit 071-OYA-2-3688, which expires on 31 October, 1985.

PURPOSE (Per Applicant): Provide adequate working depth for the docking of commercial vessels.

ADDITIONAL INFORMATION: Additional information may be obtained from Bruno Moreschi, telephone (503) 286-5771, or Bob Mowrey, Project Manager, Portland District, U.S. Army Corps of Engineers, P.O. Box 2946, Portland, Oregon 97208, telephone (503) 221-6995.

AUTHORITY: This permit will be issued or denied under the following authorities:

Section 10, River and Harbor Act of 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

SPECIAL CONDITIONS: The requested permit, if issued, will be subject in part to the following conditions:

a. Care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.

NPD 16C

Feb 85

SCHN00318886

SPECIAL CONDITIONS: (Cont'd.)

b. Work in the waterway will be done so as to minimize turbidity increases in the water that tend to degrade water quality and damage aquatic life.

c. Land disposal of dredged material will be accomplished behind adequately maintained protective berms, which will prevent the material from returning to the waterway.

d. If a bucket dredge of any type, including but not limited to grab or clamshell, dipper, dragline, or backhaul bucket, is used, all digging passes of the bucket shall be completed without any material, once in the bucket, being returned to the wetted area.

e. When the District Engineer has been notified by a fishery agency that a filling activity is adversely affecting fish or wildlife resources or the harvest thereof, and when the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity, to the extent required to mitigate or eliminate the adverse effect.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

FLOOD PLAIN MANAGEMENT: Evaluation of the described activity will include conformance with appropriate State or local flood plain standards; consideration of alternative sites and methods of accomplishment; and weighing of the positive, concentrated and dispersed, and short- and long-term impacts on the flood plain.

CULTURAL RESOURCES: The property described is not a registered or eligible property in the latest published version of the National Register of Historic Places.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water

idity increa-

(Cont'd.)

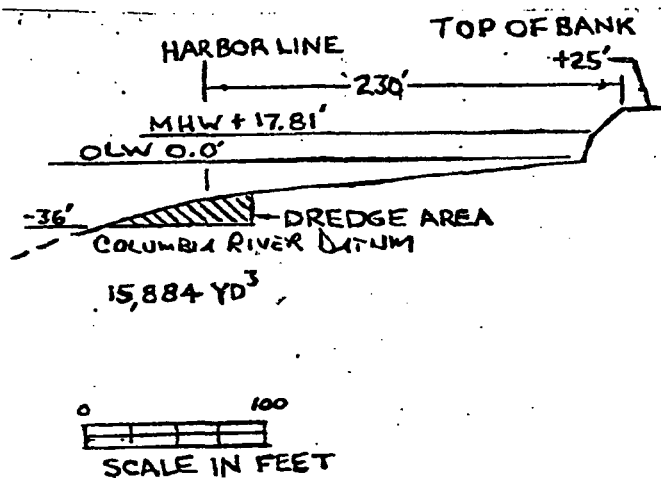
and conservation, water quality, energy needs, safety, food and fiber  
tion, mineral needs and, in general, the needs and welfare of the people.

**ADDITIONAL REQUIREMENTS:** State law requires that leases, easements, or permits be  
obtained for certain works or activity in the described waters. These State  
requirements must be met, where applicable, and a Department of the Army permit  
must be obtained before any work within the applicable Statutory Authority, previ-  
ously indicated, may be accomplished. Other local governmental agencies may also  
have ordinances or requirements which must be satisfied before the work is accom-  
plished.

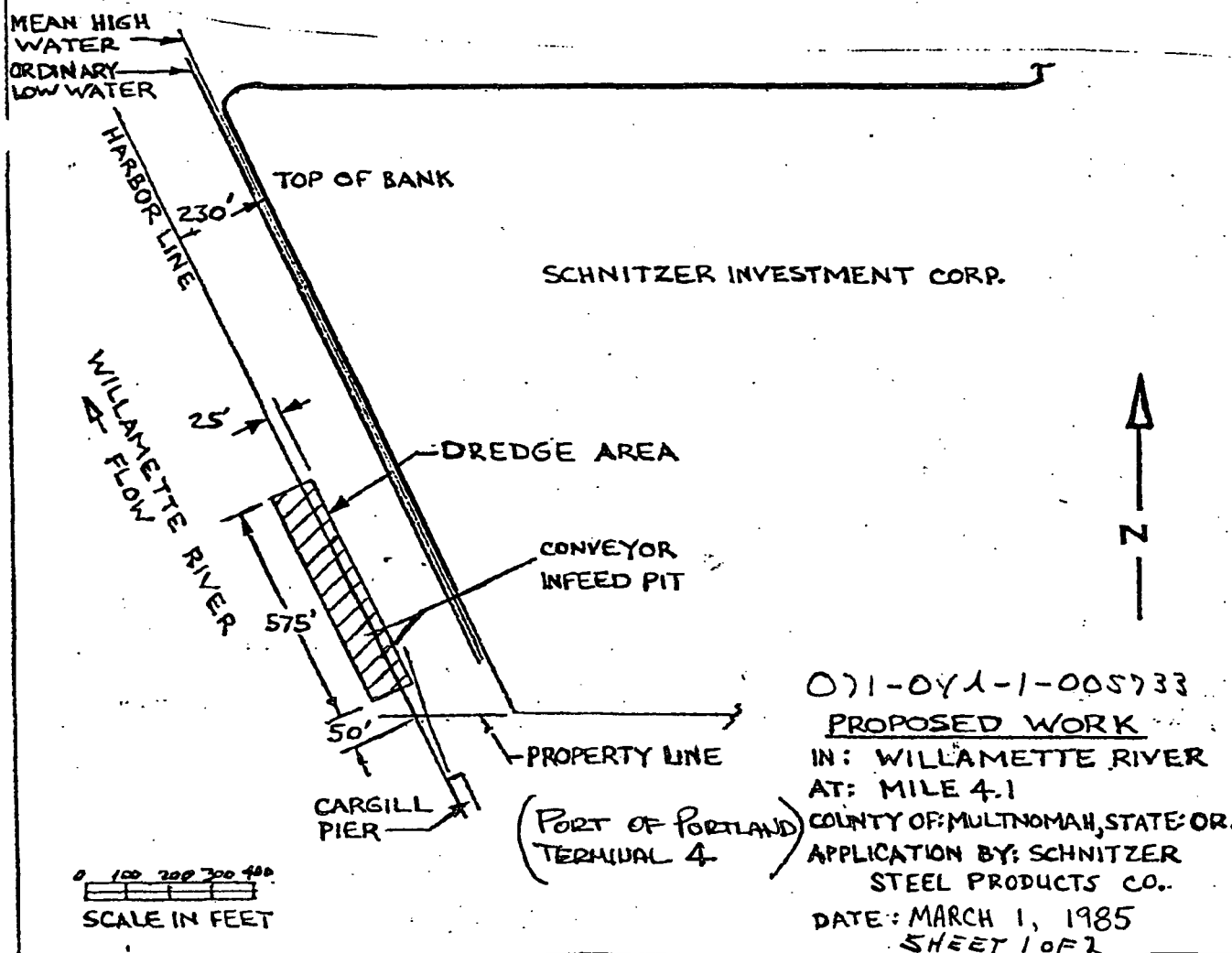
Comments on the described work, with the reference number, should reach this office  
no later than the expiration date of this Public Notice to become part of the  
record and be considered in the decision.

005733 Willamette River - Maintenance (ging)

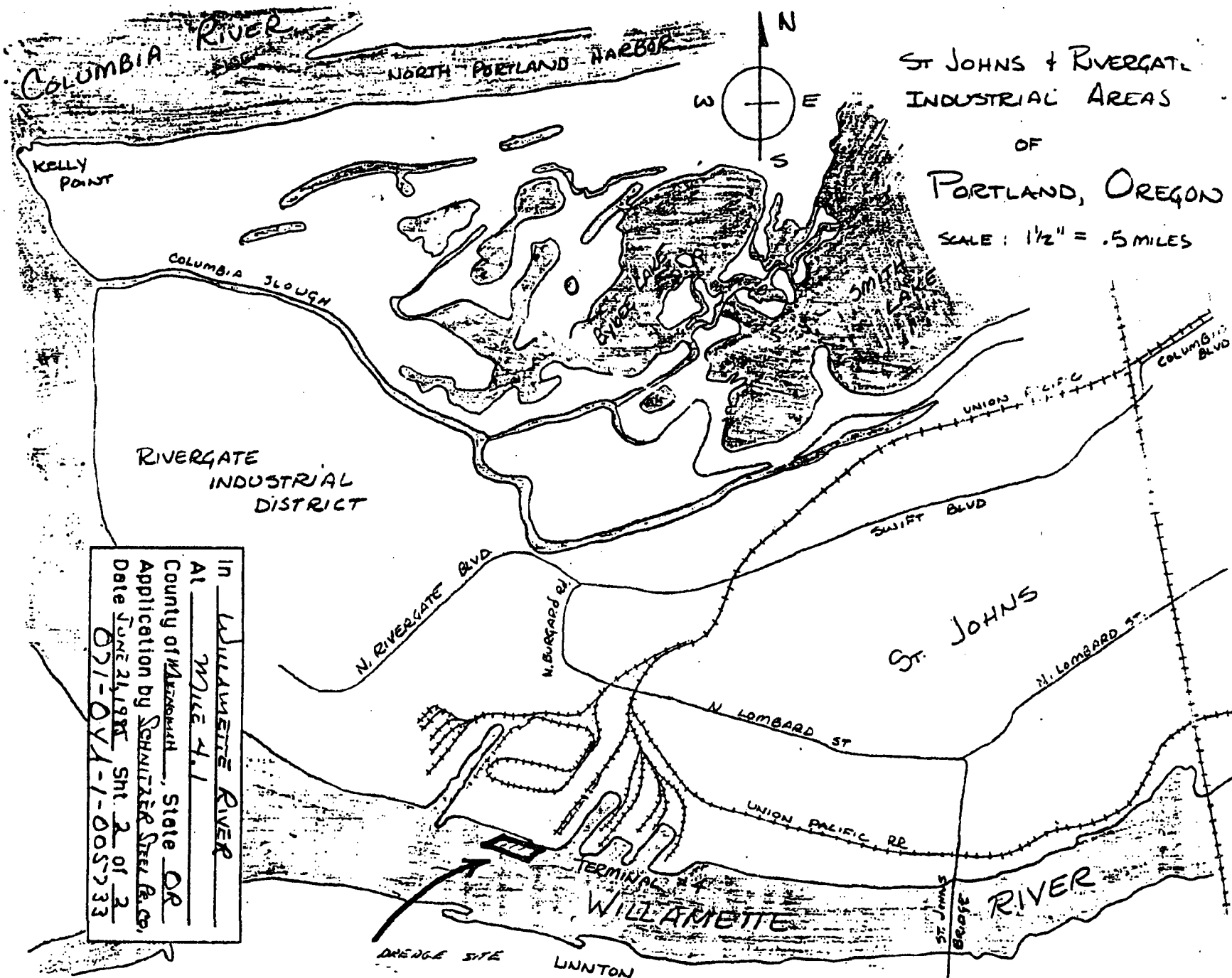
RELOCATE AREAS



CONTAINER CORP.  
OF AMERICA.



SCHN00318889



IN WILLAMETTE RIVER  
 AT MILE 4.1  
 County of Washington, State of OR  
 Application by SCHULTZ & SONS, INC.  
 Date JUNE 24, 1981 SH. 2 of 2  
071-074-1-005733

SCHN00318890

0DSL

Application No. 071-OYA-1-005733  
Name of Applicant SCHNITZER STEEL PRODUCTS COMPANY  
Effective Date 17 January 1986  
Expiration Date (If applicable) 31 January 1991

**DEPARTMENT OF THE ARMY  
PERMIT**

Referring to written request dated 4 March 1985 for a permit to:

(X) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

( ) Discharge dredged or fill material into waters of the United States upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344);

( ) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (36 Stat. 1052; P.L. 92-532);

Schnitzer Steel Products Company  
3200 N.W. Yeon Avenue  
Portland, Oregon 97210

is hereby authorized by the Secretary of the Army:

to dredge to a maximum depth of -36 feet CRD, removing approximately 30,000 cubic yards of sand and silt over the 5-year life of the permit. The maintenance dredging is to be performed by clamshell, with the dredged material being loaded onto barges and off-loaded on an upland site at Mile 17.0, Multnomah Channel, at Mile Post 14 on Oregon State Highway 30, or at another authorized upland disposal site.

The purpose of the work is to provide adequate working depth for docking of commercial vessels.

in Willamette River, Mile 4.1

at 12005 N. Burgard Street, Multnomah County, Portland, Oregon.

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings, give file number or other definite identification marks.)

Two sheets marked 005733 (Willamette River - Maintenance Dredging)

subject to the following conditions:

**1. General Conditions:**

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

ENG FORM 1721, Sep 82

EDITION OF 1 JUL 77 IS OBSOLETE

(ER 1145-2-303)

SCHN00318891

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, pretreatment standards and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1062), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge during its construction or operation, or any pollutant (including dredged or fill material), into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not destroy a threatened or endangered species as identified under the Endangered Species Act, or endanger the critical habitat of such species.

e. That the permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any adverse impact on fish, wildlife, and natural environmental values.

f. That the permittee agrees that he will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

g. That the permittee shall allow the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

h. That the permittee shall maintain the structure or work authorized herein in good condition and in reasonable accordance with the plans and drawings attached hereto.

i. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

j. That this permit does not obviate the requirement to obtain state or local assent required by law for the activity authorized herein.

k. That this permit may be either modified, suspended or revoked in whole or in part pursuant to the policies and procedures of 33 CFR 325.7.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be materially false, materially incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not completed on or before \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

q. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition t hereof, he must restore the area to a condition satisfactory to the District Engineer.

r. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.



a. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

t. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

u. That if the permittee during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the district engineer.

**II. Special Conditions:** *(Here list conditions relating specifically to the proposed structure or work authorized by this permit):*

a. Care shall be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.

b. Slope of riprap, bank, or excavation, shall be no steeper than 1-1/2 feet horizontal to 1 foot vertical.

c. Work in the waterway shall be done so as to minimize turbidity increases in the water that tend to degrade water quality and damage aquatic life.

d. Land disposal of dredged material shall be accomplished only on designated upland behind adequately maintained protective berms, which will prevent the material from returning to the waterway or adjacent wetlands.

e. If a bucket dredge of any type, including but not limited to, grab or clamshell, dipper, dragline, or backhaul bucket is used, all digging passes of the bucket shall be completed without any material, once in the bucket, being returned to the wetted area,

f. When the District Engineer has been notified by a fishery agency that a filling activity is adversely affecting fish or wildlife resources or the harvest thereof, and when the District Engineer subsequently directs remedial measures, the permittee will comply with such directions as may be received to suspend or modify the activity, to the extent required to mitigate or eliminate the adverse effect.

The following Special Conditions, applicable when appropriate:

**STRUCTURES IN OR AFFECTING NAVIGABLE WATERS OF THE UNITED STATES:**

- a. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
- b. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.
- c. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.
- d. That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.
- e. Structures for Small Boats: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

**MAINTENANCE DREDGING:**

- a. That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for \_\_\_\_\_ years from the date of issuance of this permit (ten years unless otherwise indicated);
- b. That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

**DISCHARGES OF DREDGED OR FILL MATERIAL INTO WATERS OF THE UNITED STATES:**

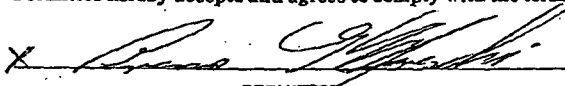
- a. That the discharge will be carried out in conformity with the goals and objectives of the EPA Guidelines established pursuant to Section 404(b) of the Clean Water Act and published in 40 CFR 230;
- b. That the discharge will consist of suitable material free from toxic pollutants in toxic amounts.
- c. That the fill created by the discharge will be properly maintained to prevent erosion and other non-point sources of pollution.

**DISPOSAL OF DREDGED MATERIAL INTO OCEAN WATERS:**

- a. That the disposal will be carried out in conformity with the goals, objectives, and requirements of the EPA criteria established pursuant to Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, published in 40 CFR 220-228.
- b. That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or disposal of the dredged material as authorized herein.

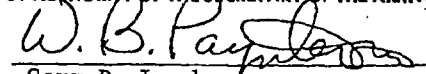
This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

X   
PERMITTEE

  
DATE

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

  
for Gary R. Lord  
Colonel, Corps of Engineers  
DISTRICT ENGINEER  
U.S. ARMY, CORPS OF ENGINEERS

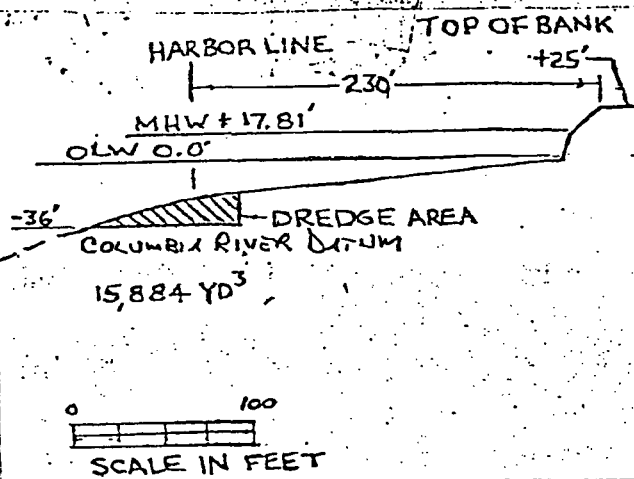
17 January 1986  
DATE

Transferee hereby agrees to comply with the terms and conditions of this permit.

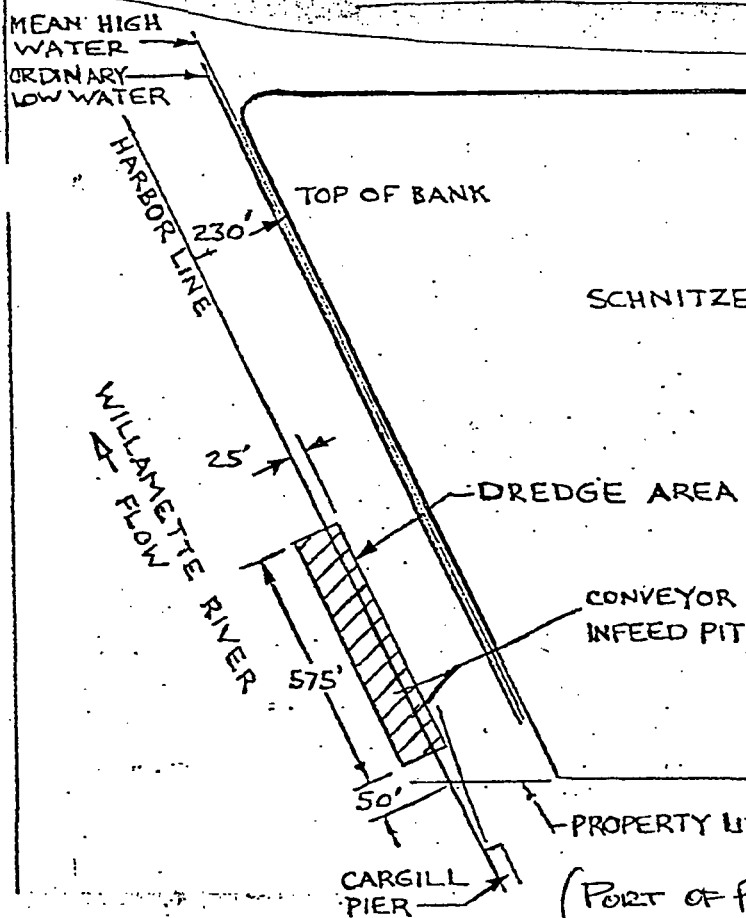
\_\_\_\_\_  
TRANSFEEE

\_\_\_\_\_  
DATE

005733 (Willamette River - Maintenance Dredging)



CONTAINER CORP.  
OF AMERICA.



SCHNITZER INVESTMENT CORP.

001-041-1-005733

PROPOSED WORK

IN: WILLAMETTE RIVER  
AT: MILE 4.1

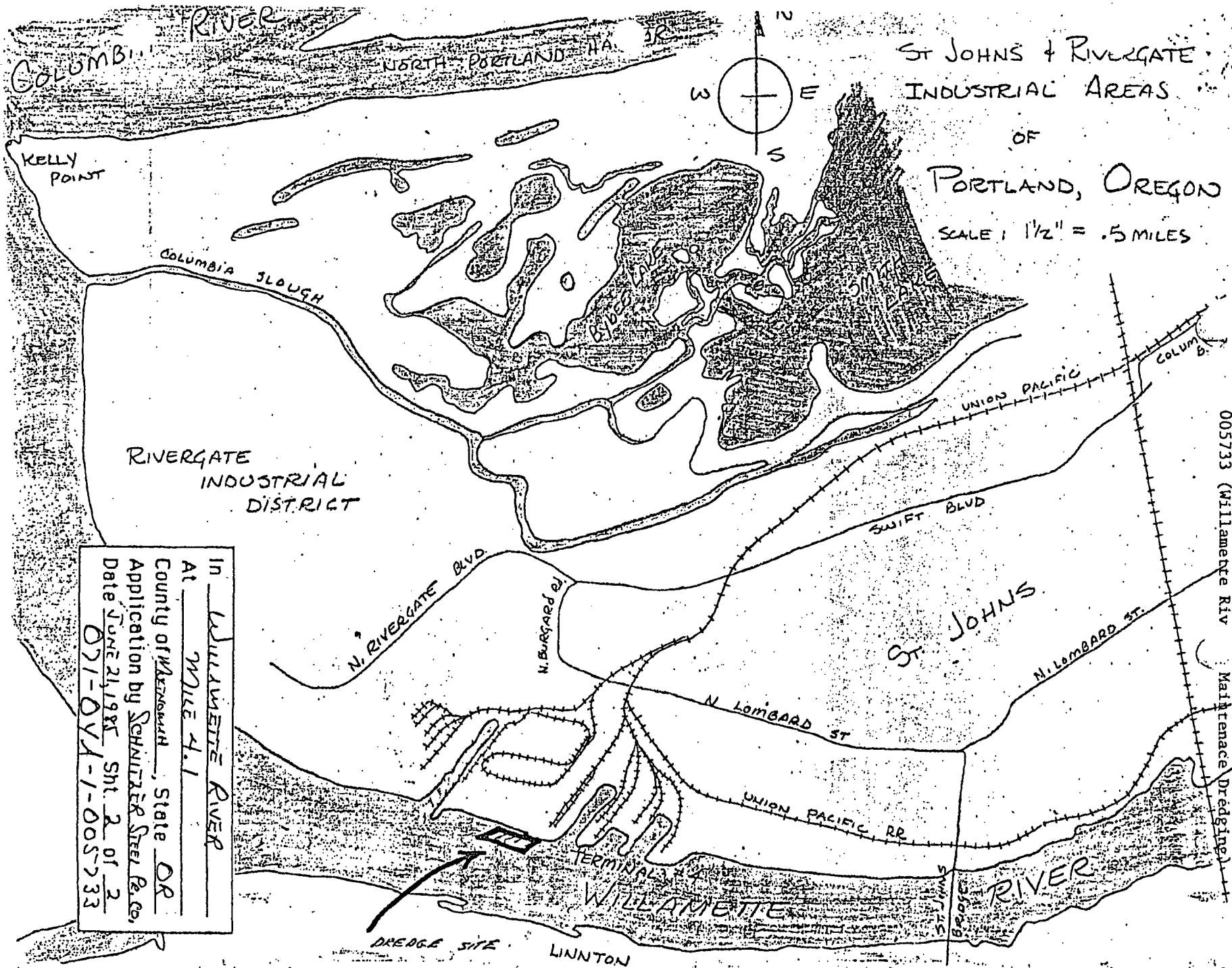
COUNTY OF MULTNOMAH, STATE OF OR.

APPLICATION BY: SCHNITZER  
STEEL PRODUCTS CO.

DATE: MARCH 1, 1985

SHEET 1 OF 2

SCHN00318895



005733 (Willamette Riv

Maintenance Dredging)

SCHN00318896

Division of State Lands  
1600 State Street  
Salem, OR 97310  
Phone: 378-3059  
378-3805

Permit No.	3294 Renewal
Permit Type	Removal
Waterway	Willamette River
County	Multnomah County
Expiration Date	October 21, 1992
PN	005733

SCHNITZER STEEL PRODUCTS CO.

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

NOTICE: If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Division of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Division of State Lands, Waterway Leasing Office, 378-3805.

Ed Zajonc, Director  
Oregon Division of State Lands

  
Authorized Signature

October 21, 1987  
Date Issued

SCHN00318897

ATTACHMENT A

Special Conditions for Material Removal Permit No. 3294

1. This permit authorizes the removal of up to 10,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, mile 4.1 - International Terminals) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. Waste materials and spoils shall be placed in approved upland disposal site.
4. There shall be no removal in the permit area between February 1 and May 15 nor between September 1 and September 30.
5. Material shall not be removed to a depth greater than -36 feet Columbia River Datum.
6. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

October 21, 1987

March 9, 1983

HAND DELIVERED

Mr. Jerome Simpson  
US Army Corps of Engineers  
Portland District  
Regulatory Functions Branch  
P.O. Box 2946  
Portland, OR 97208

RE: #017-OYA-1-004712

Dear Mr. Simpson:

We refer to our letter dated February 10, 1983. Confirming our recent telephone conversations, we hereby cancel the notice in that letter by which we withdrew our application for permit.

We have contracted for the services of Coast Marine Construction Co., and they have agreed to perform the dredging and dispose the material in the Multnomah channel. Lee Bjork of Coast Marine prepared the attached description and vicinity view of the disposal site.

Thank you for your patience.

Very truly yours,

SCHNITZER STEEL PRODUCTS CO.

Richard I. Rappaport  
Corporate Counsel

RIR/dr  
Enclosure

cc: Mr. Loren Kramer  
Mr. Bruno Moreschi  
Division of State Lands

SCHN00318902

**JOINT APPLICATION FOR PERMIT**  
**U.S. ARMY CORPS OF ENGINEERS**  
**STATE OF OREGON, DIVISION OF STATE LANDS**

WHEREAS Department of the Army permits for proposed work in or affecting navigable waters of the United States, the discharge of dredged or fill material into those waters, and the transport of dredged material for the purpose of dumping it into ocean waters are authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act of 1977, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, respectively, ---AND---permits for that part of those project activities which includes the removal or fill in the waterways of Oregon of rock, gravel, silt, and clay are authorized by the State of Oregon under O.R.S. 541.603 to 541.695---THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES.

Corps of Engineers # <u>OYA-1-004712</u> Date received _____	State of Oregon # <u>RP 3701</u> Date received _____
---	---

Name of Waterway <u>Willamette River</u>		River Mile <u>3.6</u> through <u>Local</u>	Range <u>International Termi</u>
Section <u>35</u>	Township <u>2N</u>	Range <u>1W</u>	
Estimated Starting Date of Project <u>as soon as possible</u>		Estimated Completion Date of Project <u>10 days</u>	
NAME OF APPLICANT <u>Schnitzer Steel Prodcets Co</u>		AUTHORIZED AGENT <u>Richard I. Rappaport</u>	
Address <u>3200 N.W. Yeon Ave</u>		Address <u>3200 N. W. Yeon Avenue</u>	
City, State, Zip Code <u>Portland, OR 97210</u>		City, State, Zip Code <u>Portland, OR 97210</u>	
Phone: Work <u>(503) 224 9900</u> Home <u>( )</u>		Phone: Work <u>(503) 227 7447</u> Home <u>(503) 246 953</u>	
PROJECT SUPERVISOR <u>Bond Easley</u>		Phone: Work <u>(503) 286 5771</u> Home <u>( )</u>	
PROPERTY OWNER IF OTHER THAN APPLICANT <u>Schnitzer Investment Corp</u>		PROJECT ADDRESS <u>12005 N. Burgard Road</u>	
Address <u>3200 N. Yeon Avenue</u>		City, County, State, Zip Code <u>Portland OR Multnomah 9720</u>	
City, State, Zip Code <u>Portland OR 97210</u>		Assessor's Records-- Shown on Map # <u>NA</u> Tax Lot # <u>55</u>	
Phone: Work <u>(503) 224 9900</u> Home <u>( )</u>		Name of Subdivision <u>NA</u> Lot <u>NA</u> Block <u>NA</u>	

In order to expedite the processing of this application, the following city and/or county department, which has local jurisdiction over the proposed project, has been contacted:

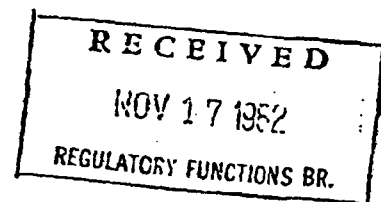
Name of Department: City of Portland Greenway Project  
 Address: \_\_\_\_\_  
 Phone Number: 796 7310

APPROVALS OR CERTIFICATIONS applied for or already obtained from other agencies (Federal, interstate, state, county, city, area) for any of the proposed projects described in this application:

Issuing Agency	Type of Approval	Identification #	Date of Application	Date of Approval
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NA

NPP Form 758  
 OCT 1980  
 141 11-04-83



SCHN00318904



City agency denied approval for the activity described herein or for any other activity directly related to:  
☐ Yes ☐ No If yes, please explain in Remarks.

ADJOINING PROPERTY ON THE WATERWAY: Give names, addresses, and phone numbers of owners and/or occupants.

Port of Portland  
Terminal 4  
Foot of N. Lombard  
Portland, OR

Rivergate Industrial District

PLEASE EXPLAIN IN DETAIL your plans to restore the area to its natural condition.

Materials will be removed, no plans to replace the dirt

INFORMATION FOR FILL OR REMOVAL:

FILL WILL INVOLVE \_\_\_\_\_ cubic yards annually, and \_\_\_\_\_ cubic yards for the total project.

☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organic

REMOVAL WILL INVOLVE 15,000 initial dredging cubic yards annually, and 30,000 cubic yards for the total project.

☐ Rock ☐ Gravel ☒ Sand ☒ Silt ☐ Clay

DESCRIBE IN DETAIL THE PROPOSED ACTIVITY---its primary purpose and secondary purpose, if any,---intended use (private, public, commercial)---type of structures and use---type of vessels using facility---facilities for handling wastes---type of conveyance and manner of extraction of any fill or removal---the quantity and composition of, and the source and disposal sites for any fill or removal. (If additional space is needed, use plain sheet of paper.)

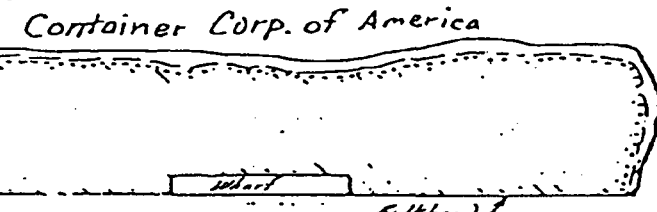
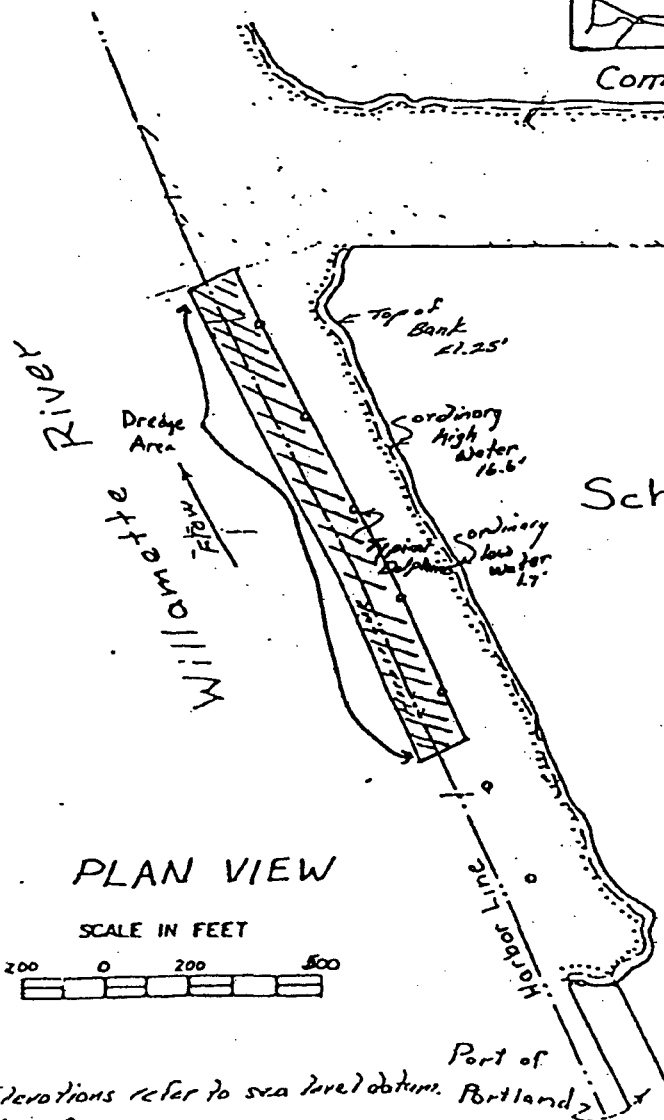
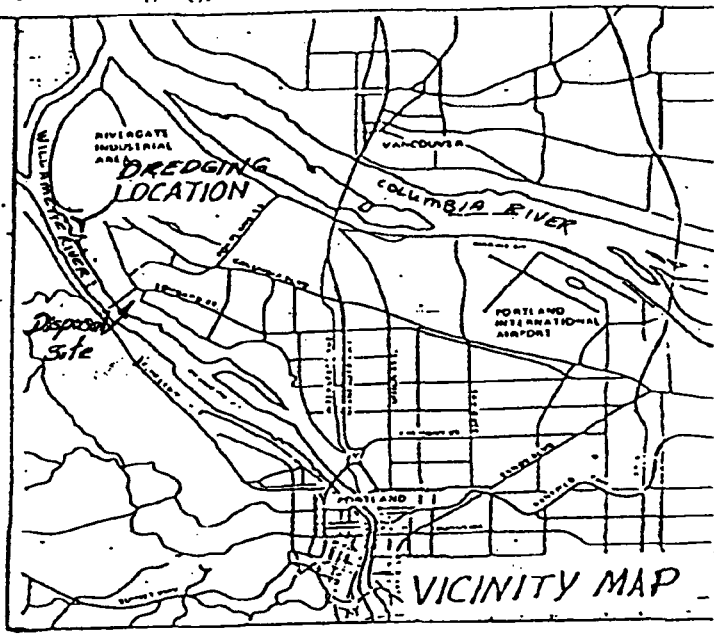
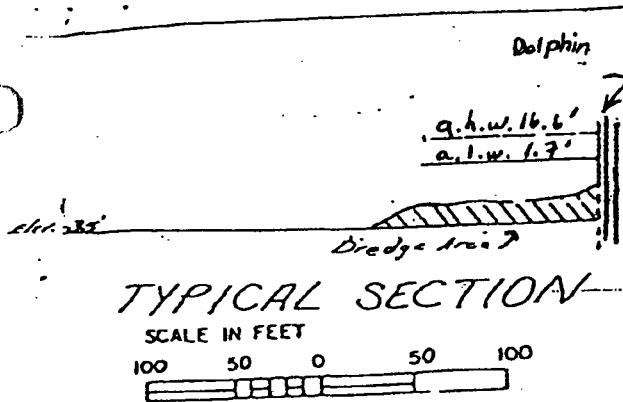
Primary purpose is maintenance dredging. Sand and silt will be removed by clamshell and deposited at property between Floating Marine Ways and Port of Portland terminal at River Mile 5.6 as per U. S. Army Corps of Engineers map WR-4-46, Post Office Range Mile

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that, to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

  
Signature of Applicant or Authorized Agent

18 USC 1001 provides in part: "Whoever, in any manner within the jurisdiction of any department . . . of the United States knowingly and willfully falsifies . . . a material fact or makes any false . . . statement or . . . uses any false . . . document . . . shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

SCHN00318905



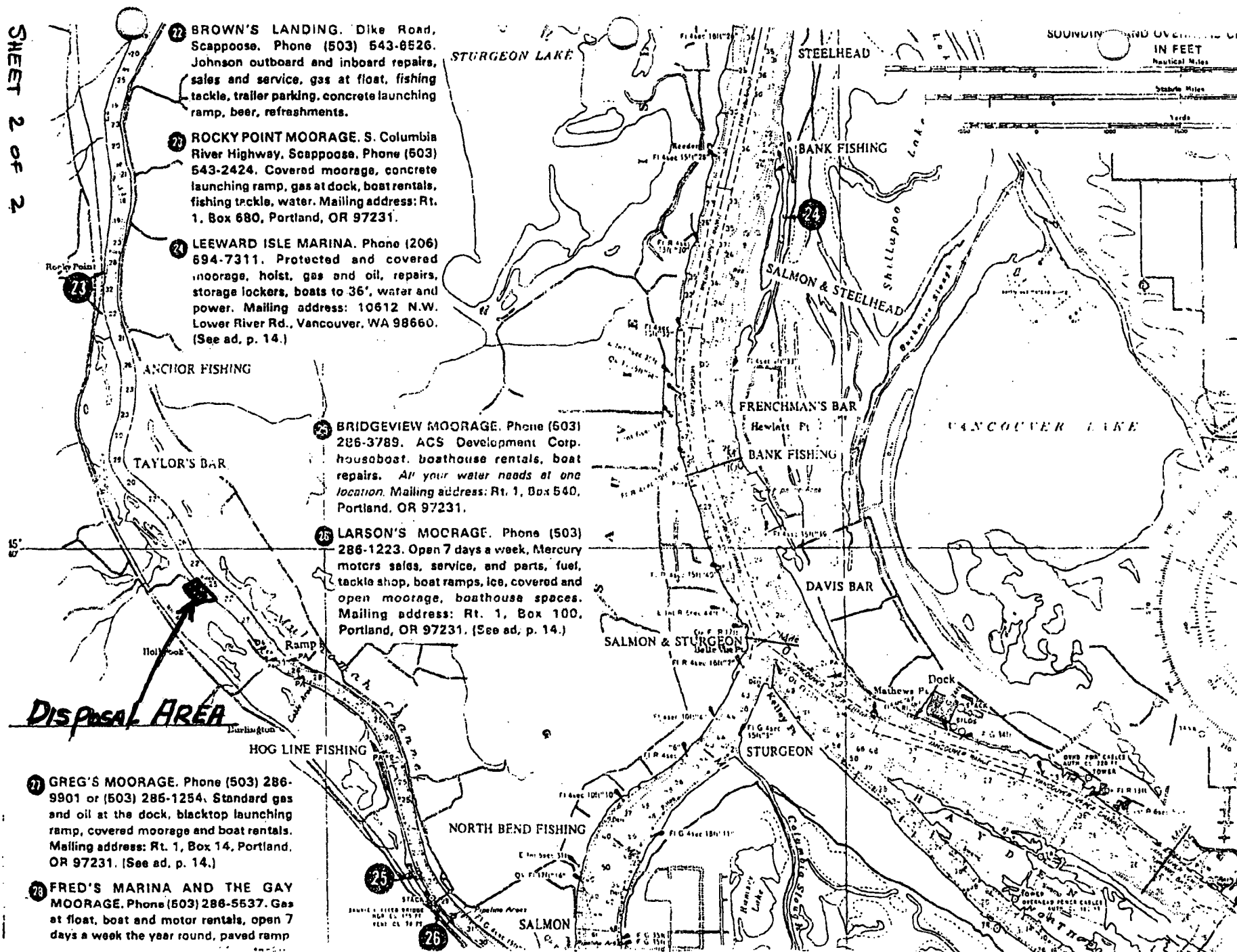
Schnitzer Investment Corp.

Longitude 122° 46' 30"  
Latitude 45° 37' 20"

Proposed Work  
in Willamette River  
at Miles 3.6 through 4.0  
County of Multnomah, State Or.  
Application by Schnitzer Investment Corp.

Date NOVEMBER 17, 1982

Note: Elevations refer to sea level datum. Portland  
Sheet 1 of 2



**JOINT APPLICATION FOR PERMIT**  
**U.S. ARMY CORPS OF ENGINEERS**  
**STATE OF OREGON, DIVISION OF STATE LANDS**

WHEREAS Department of the Army permits for proposed work in or affecting navigable waters of the United States, the discharge of dredged or fill material into those waters, and the transport of dredged material for the purpose of dumping it into ocean waters are authorized by Section 10 of the River and Harbor Act of 1899, Section 405 of the Clean Water Act of 1977, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, respectively, ---AND---permits for that part of those project activities which includes the removal or fill in the waterways of Oregon of rock, gravel, silt, and clay are authorized by the State of Oregon under O.R.S. 541.603 to 541.693---THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES.

For Agency Use Only	Corps of Engineers # <u>OYA-1-004712</u>	For Agency Use Only	State of Oregon # <u>RP 3701</u>
	Date received _____		Date received _____

Name of Waterway Willamette River River Mile 3.6 through Local International Term  
/4.0  
Section 35 Township 2N Range 1W  
Estimated Starting Date of Project as soon as possible Estimated Completion Date of Project 10 days

NAME OF APPLICANT <u>Schnitzer Steel Products Co.</u>	AUTHORIZED AGENT <u>Richard I. Rappaport</u>
Address <u>3200 N.W. Yeon Ave</u>	Address <u>3200 N. W. Yeon Avenue</u>
City, State, Zip Code <u>Portland, OR 97210</u>	City, State, Zip Code <u>Portland, OR 97210</u>
Phone: Work <u>(503) 224 9900</u> Home <u>( )</u>	Phone: Work <u>(503) 227 7447</u> Home <u>(503) 246 95:</u>

PROJECT SUPERVISOR Bond Easley Phone: Work (503) 286 5771 Home ( )

PROPERTY OWNER IF OTHER THAN APPLICANT <u>Schnitzer Investment Corp</u>	PROJECT ADDRESS <u>12005 N. Burgard Road</u>
Address <u>3200 N. Yeon Avenue</u>	City, County, State, Zip Code <u>Portland OR Multnomah 972</u>
City, State, Zip Code <u>Portland OR 97210</u>	Assessor's Records-- Shown on Map # <u>NA</u> Tax Lot # <u>55</u>
Phone: Work <u>(503) 224 9900</u> Home <u>( )</u>	Name of Subdivision <u>NA</u> Lot <u>NA</u> Block <u>NA</u>

In order to expedite the processing of this application, the following city and/or county department, which has jurisdiction over the proposed project, has been contacted:

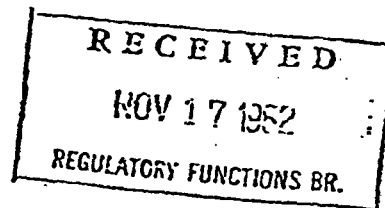
Name of Department: City of Portland Greenway Project  
Address: \_\_\_\_\_  
Phone Number: 796 7310

APPROVALS OR CERTIFICATIONS applied for or already obtained from other agencies (Federal, interstate, state, county, city, area) for any of the proposed projects described in this application:

Issuing Agency	Type of Approval	Identification #	Date of Application	Date of Approval
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NA

NPP Form 758  
OCT 1990  
141-11-06-3



SCHN00318908

agency denied approval for activity described herein or for any other activity directly related to:  
☐ Yes ☐ No If yes, please explain in Remarks.

ADJOINING PROPERTY ON THE WATERWAY: Give names, addresses, and phone numbers of owners and/or occupants.

Port of Portland  
Terminal 4  
Foot of N. Lombard  
Portland, OR

Rivergate Industrial District

PLEASE EXPLAIN IN DETAIL your plans to restore the area to its natural condition.

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REMOVAL WILL INVOLVE 15,000 initial dredging cubic yards annually, and 30,000 cubic yards for the total project.

☐ Rock ☐ Gravel ☒ Sand ☒ Silt ☐ Clay

DESCRIBE IN DETAIL THE PROPOSED ACTIVITY---its primary purpose and secondary purpose, if any,---intended use (private, commercial)---type of structures and use---type of vessels using facility---facilities for handling wastes---of conveyance and manner of extraction of any fill or removal---the quantity and composition of, and the source and disposal sites for any fill or removal. (If additional space is needed, use plain sheet of paper.)

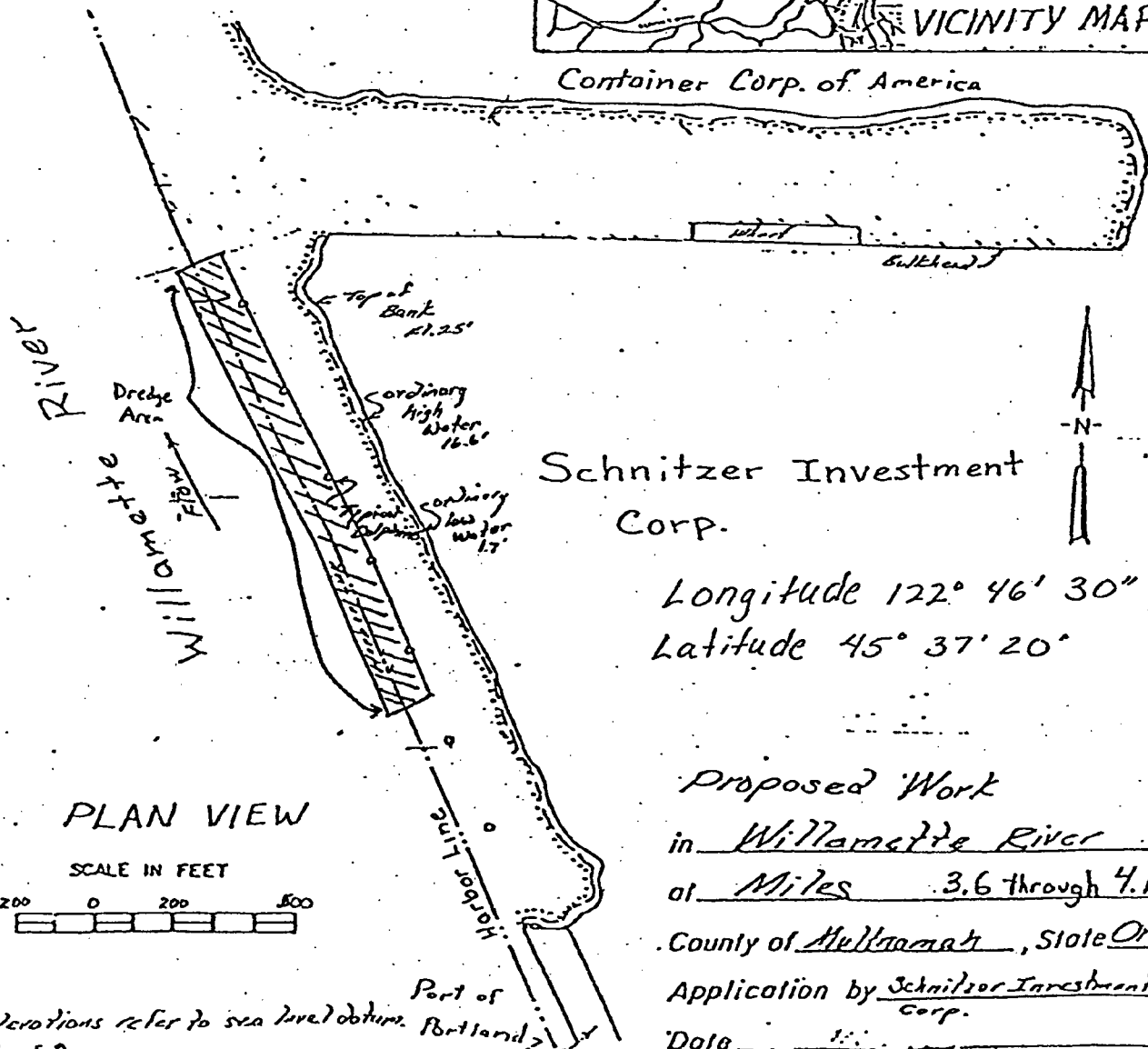
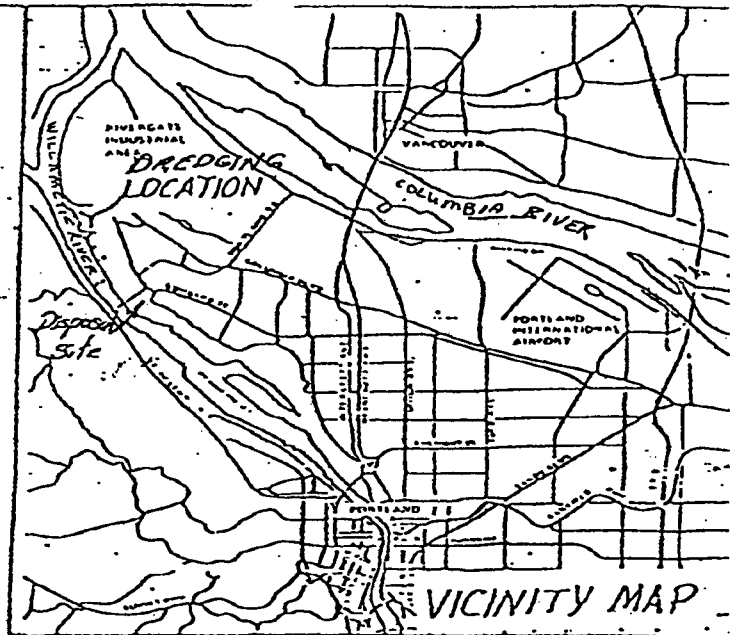
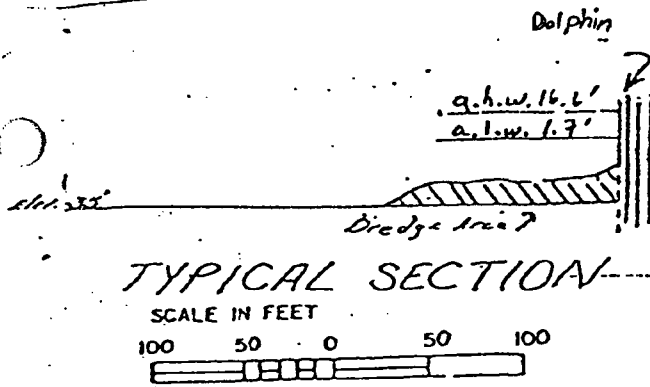
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Signature of Applicant or Authorized Agent

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SCHN00318909



Note: Elevations refer to sea level datum, Portland 2.

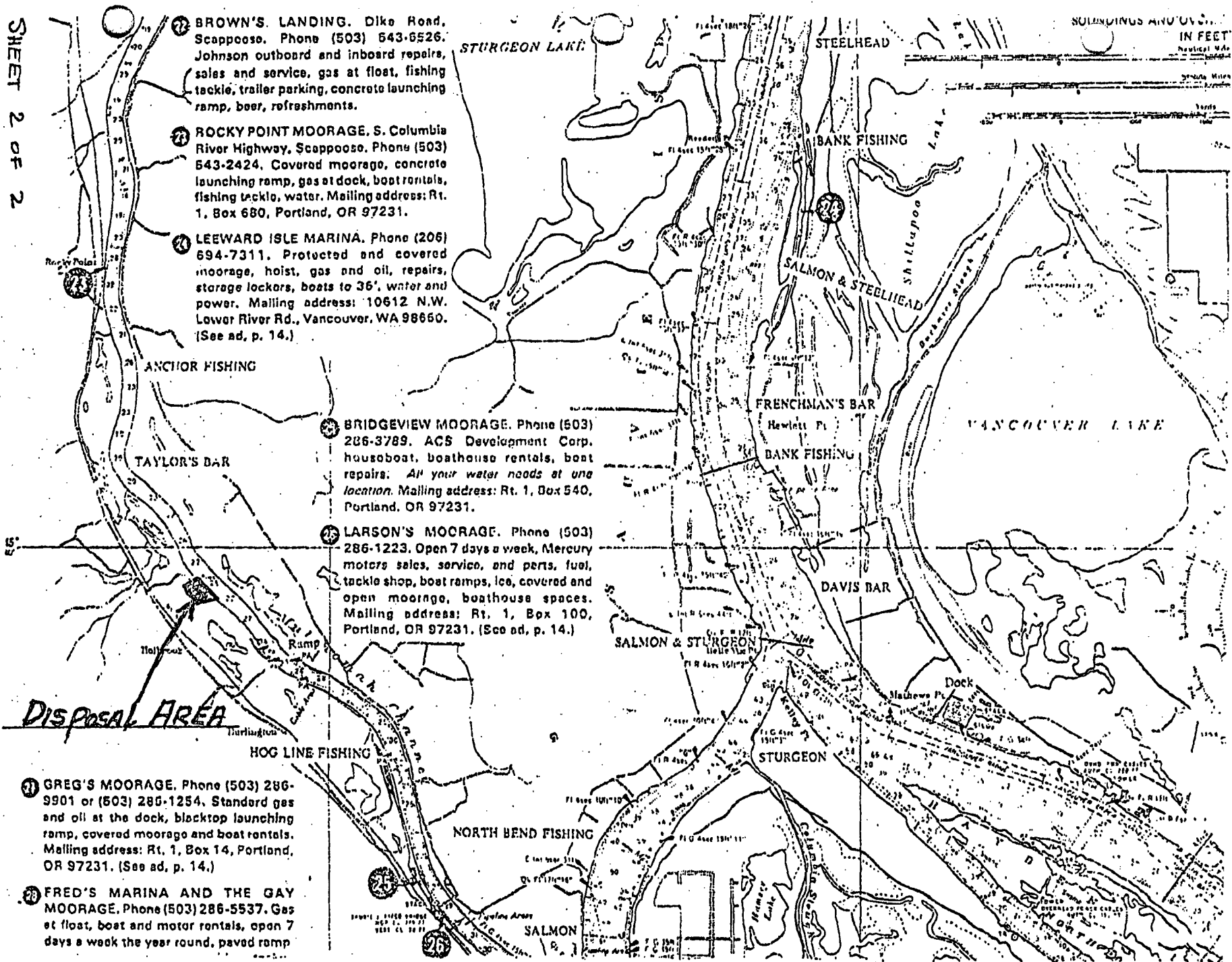
Sheet 1 of 2

Longitude 122° 46' 30"

Latitude 45° 37' 20"

Proposed Work  
in Willamette River  
at Miles 3.6 through 4.0  
County of Multnomah, State Or.  
Application by Schnitzer Investment Corp.

Date NOVEMBER 17, 1982



JOINT APPLICATION FOR PERMIT  
U.S. ARMY CORPS OF ENGINEERS  
STATE OF OREGON, DIVISION OF STATE LANDS

WHEREAS Department of the Army permits for proposed work in or affecting navigable waters of the United States, the discharge of dredged or fill material into those waters, and the transport of dredged material for the purpose of dumping it into ocean waters are authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act of 1977, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, respectively, ---AND---permits for that part of those project activities which includes the removal or fill in the waterways of Oregon of rock, gravel, silt, and clay are authorized by the State of Oregon under O.R.S. 541.605 to 541.693---THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES.

<div style="display: flex; justify-content: space-between;"><div>For Agency Use Only</div><div>Corps of Engineers # _____</div></div> <div style="border-top: 1px solid black; height: 40px;"></div> <div>Date received _____</div>	<div style="display: flex; justify-content: space-between;"><div>For Agency Use Only</div><div>State of Oregon # <u>RP 3701</u></div></div> <div style="border-top: 1px solid black; height: 40px;"></div> <div>Date received _____</div>
---	---

Name of Waterway Willamette River River 3.6 through Local Mile 4.0 Name International Terminals

Section 35 Township 2N Range 1W  
Estimated Starting Date of Project as soon as possible Estimated Completion ongoing  
Date of Project as soon as possible Date of Project maintenance dredging

NAME OF APPLICANT <u>Schnitzer Steel Products Co.</u> Address <u>12005 N. BURGARD</u> City, State, Zip Code <u>Portland, OR 97203</u> Phone: Work <u>(503) 224-9908</u> Home <u>( )</u>	AUTHORIZED AGENT <u>STAN BURTON</u> Address <u>12005 N. BURGARD</u> City, State, Zip Code <u>Portland OR 97203</u> Phone: Work <u>(503) 227-7447</u> Home <u>( )</u>
--	---

PROJECT SUPERVISOR Bond Easley Phone: Work (503) 286-5771 Home ( )

PROPERTY OWNER IF OTHER THAN APPLICANT <u>Schnitzer Investment Corp.</u> Address <u>3200 N. W. Yeon Avenue</u> City, State, Zip Code <u>Portland OR 97210</u> Phone: Work <u>(503) 224-9900</u> Home <u>( )</u>	PROJECT ADDRESS <u>12005 N. Burgard Road</u> City, County, State, Zip Code <u>Portland, Multnomah, OR 97203</u> Assessor's Records-- Shown on Map # _____ Tax Lot # <u>55</u> Name of Subdivision _____ Lot _____ Block _____
--	---

In order to expedite the processing of this application, the following city and/or county department, which has local jurisdiction over the proposed project, has been contacted:

Name of Department: City of Portland Greenway Project  
Address: \_\_\_\_\_  
Phone Number: 796 7310

APPROVALS OR CERTIFICATIONS applied for or already obtained from other agencies (Federal, interstate, state, county, city, area) for any of the proposed projects described in this application:

Issuing Agency	Type of Approval	Identification #	Date of Application	Date of Approval
----------------	------------------	------------------	---------------------	------------------

State Division of Lands	Dredge	RP-3701
-------------------------	--------	---------



Has any agency denied approval for the activity described herein or for any other activity directly related to it?

☐ Yes ☒ No If yes, please explain in Remarks.

JOINING PROPERTY ON THE WATERWAY: Give names, addresses, and phone numbers of owners and/or occupants.

Port of Portland  
Terminal 4  
Foot of N. Lombard  
Portland OR

Rivergate Industrial District

PLEASE EXPLAIN IN DETAIL your plans to restore the area to its natural condition.

Materials will be removed. The area will fill again naturally,  
at which time maintenance dredging must again be performed.

INFORMATION FOR FILL OR REMOVAL:

FILL WILL INVOLVE \_\_\_\_\_ cubic yards annually, and \_\_\_\_\_ cubic yards for the total project.

☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organic

REMOVAL WILL INVOLVE 10,000 cubic yards annually, and 30,000 cubic yards for the total project.

☐ Rock ☐ Gravel ☒ Sand ☒ Silt ☐ Clay

DESCRIBE IN DETAIL THE PROPOSED ACTIVITY---its primary purpose and secondary purpose, if any,---intended use (private, public, commercial)---type of structures and use---type of vessels using facility---facilities for handling wastes---type of conveyance and manner of extraction of any fill or removal---the quantity and composition of, and the source and disposal sites for any fill or removal. (If additional space is needed, use plain sheet of paper.)

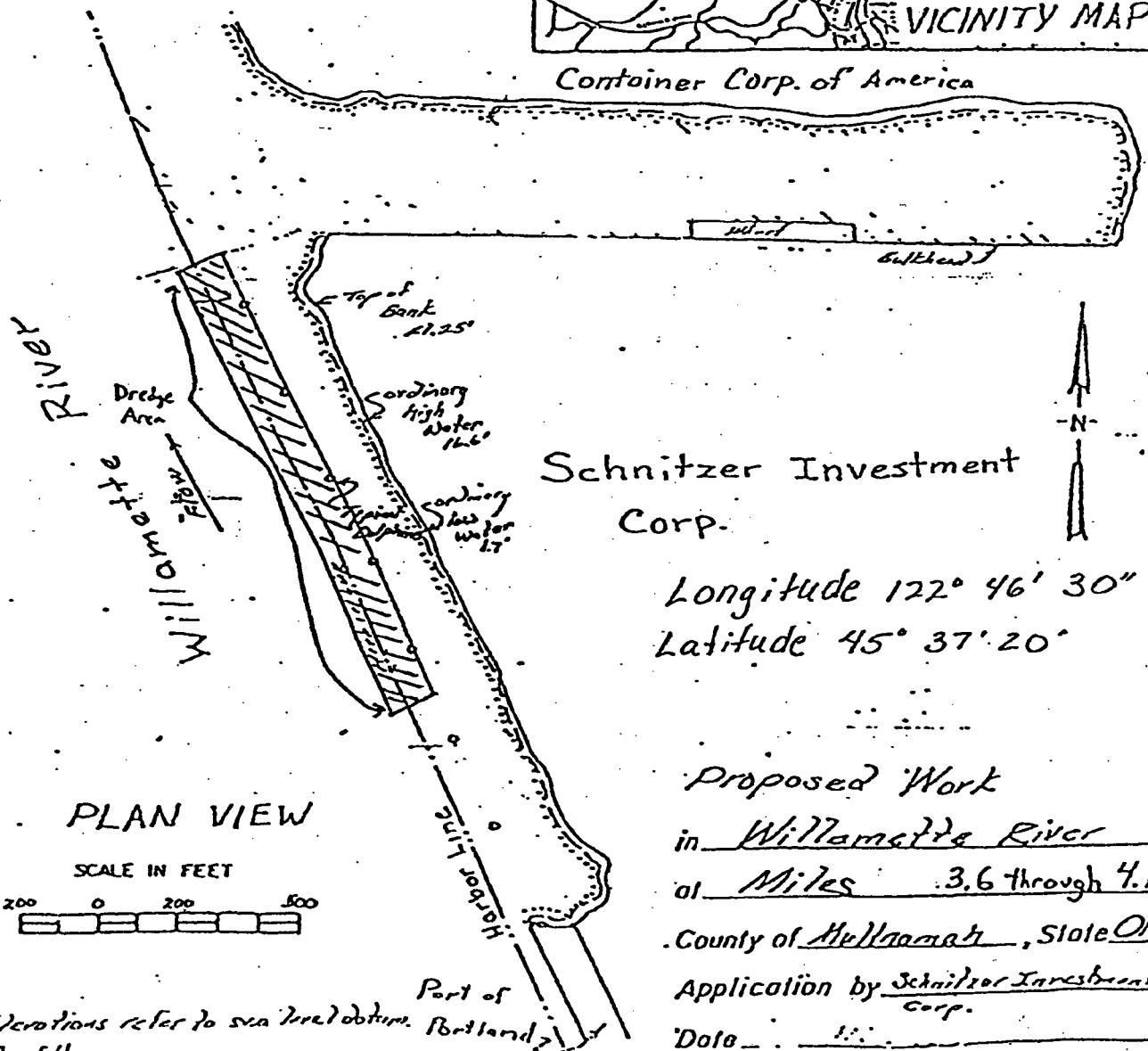
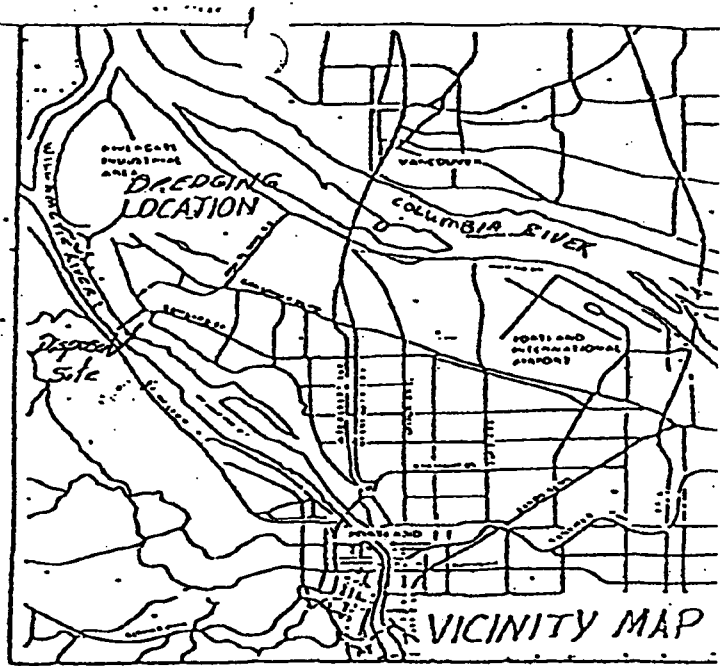
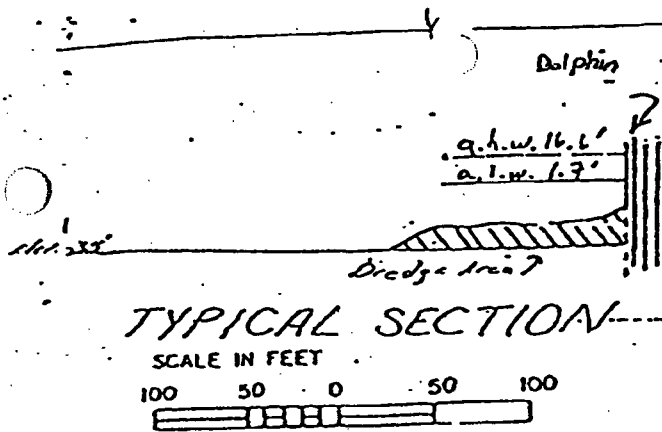
Primary purpose is maintenance dredging. Sand and silt will be removed by clamshell and deposited at Mile 17.0 on Multnomah Channel at Milepost 14 on Oregon State Highway 30.

Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that, to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities.

  
Signature of Applicant or Authorized Agent

18 USC 1001 provides in part: "Whoever, in any manner within the jurisdiction of any department . . . of the United States knowingly and willfully falsifies . . . a material fact or makes any false . . . statement or . . . any false . . . document . . . shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

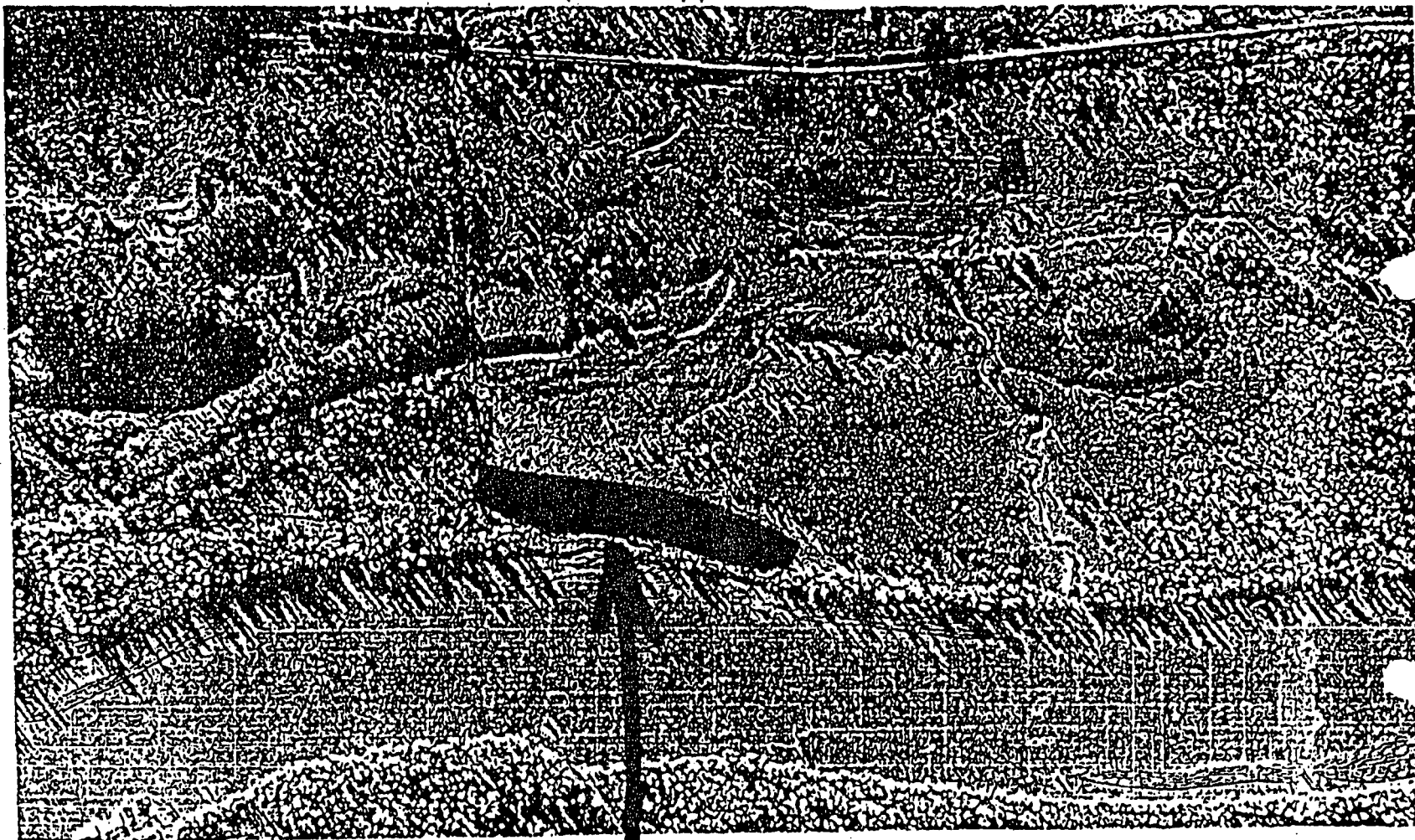
SCHN00318913



Note: Elevations refer to sea level datum. Portland 21  
Sheet 1 of 4

SCHN00318914

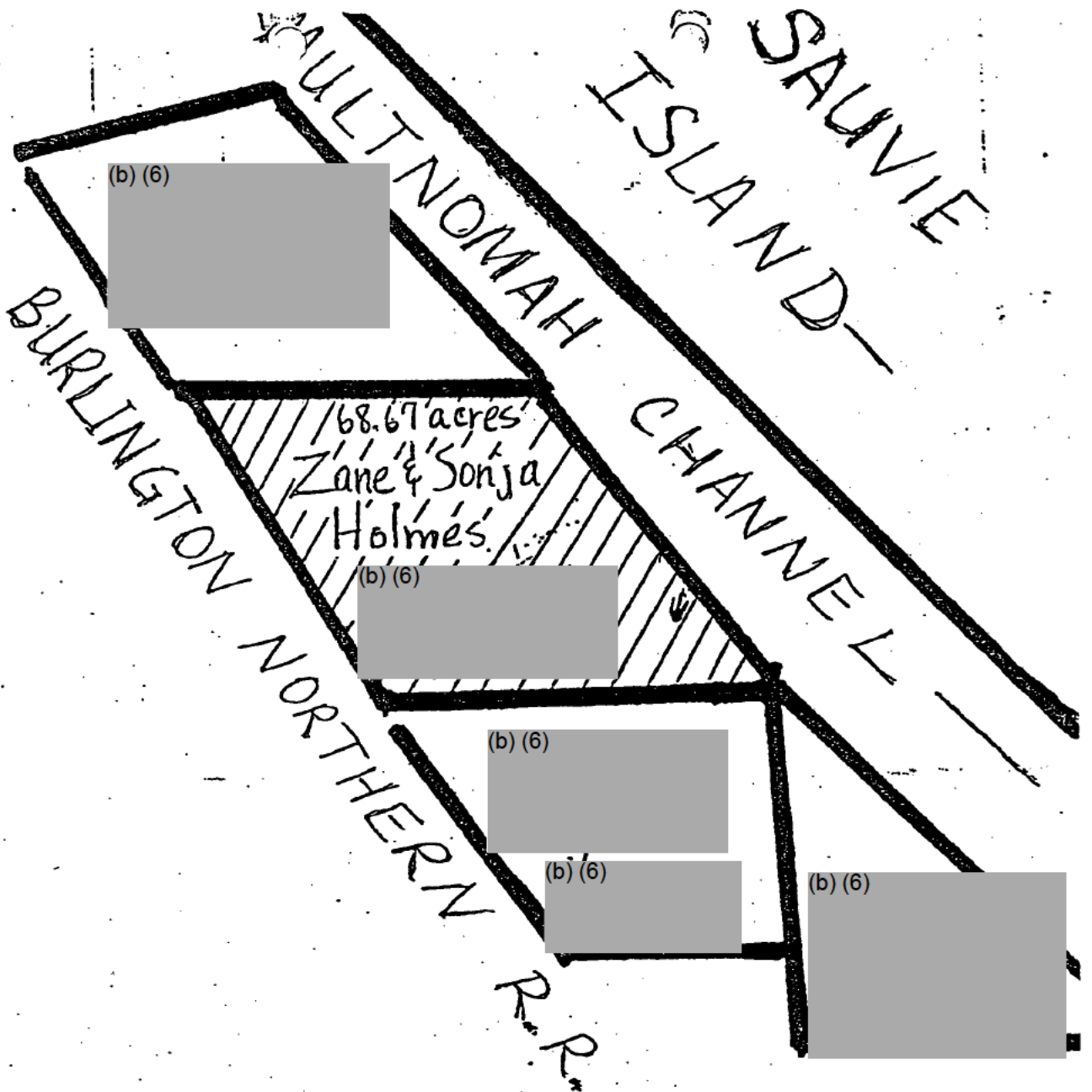
~~005733~~ (001) ~~NETTE RIVER~~ ~~W. ARK. TERR. RIVER~~ ~~DRAWING~~  
~~MULTNOMAH CHANNEL - MILE 17E~~  
27 Dec 1977      Scale: 1" = 500'



AUTHORIZED DISPOSAL SITE, [REDACTED]  
(ALTERNATELY, ANOTHER WELAND  
DISPOSAL AREA MAY BE USED)

SHEET 2 OF 4

SCHN00318915



68.67 acres fill site  
owned by Zane & Sonja  
Holmes.

SHEET 3 OF 4



US Army Corps  
of Engineers  
Portland District  
Regulatory Functions Branch  
P.O. Box 2946  
Portland, Oregon 97208  
NPPND-RF-1

# Public Notice of Application for Permit

RP 3701 \$100.00

RECEIVED  
DEC 27 1982  
DIVISION OF STATE LANDS

20-DAY NOTICE

PUBLIC NOTICE DATE: 20 December 1982

CLOSING DATE: 10 January 1983

REFERENCE NUMBER: 071-OYA-1-004712  
(Willamette River - Dredging)

20-DAY NOTICE

Interested parties are hereby notified that application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

APPLICANT: Schnitzer Steel Products Co.  
3200 N.W. Yeon Avenue  
Portland, Oregon 97210  
(503) 224-9900

LOCATION: Willamette River, Mile 3.6 - 4.0, in Multnomah County, at Portland, Oregon.

WORK:

a. Dredge to a depth of -35 feet MSL datum, removing approximately <sup>15,000</sup> 10,000 cubic yards of silty sand annually and 50,000 cubic yards over the 5-year life of the permit. A clamshell bucket will be used to accomplish the work, placing the material on barges for transport to an upland disposal site between Floating Marine Ways and the Port of Portland at river mile 5.6.

b. The project is shown on the attached drawing marked 004712 (Willamette River - Dredging).

PURPOSE (Per Applicant): To provide adequate depths in the ship tie-up area for deep draft vessels waiting to load and unload cargo.

ADDITIONAL INFORMATION: Additional information may be obtained from Richard I. Rappaport, Schnitzer Steel Products Co., 3200 N.W. Yeon Avenue, Portland, Oregon 97210, telephone (503) 224-9900, or Jerome Simpson, Permit Coordinator, Portland District, U.S. Army Corps of Engineers, P.O. Box 2946, Portland, Oregon 97208, telephone (503) 221-6995.

AUTHORITY: This permit will be issued or denied under the following authorities:

- (X) Perform work in or affecting navigable waters of the United States - Section 10, River and Harbor Act 1899 (33 U.S.C. 403).
- ( ) Discharge dredged or fill material into waters of the United States - Section 404, Clean Water Act (33 U.S.C. 1344).

NPD 16C  
SEP 81

SCHN00318917

NPPND-RF-1  
004712

AUTHORITY: (Cont'd.)

- ( ) Transport dredged material for the purpose of dumping it into ocean waters - Section 103, Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

SPECIAL CONDITIONS: The requested permit, if issued, will be subject in part to the following conditions:

- a. Care will be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.
- b. Work in the waterway will be done so as to minimize turbidity increases in the water that tend to degrade water quality and damage aquatic life.
- c. Land disposal of dredged material will be accomplished behind adequately maintained protective berms, which will prevent the material from returning to the waterway.
- d. If a bucket dredge of any type, including but not limited to, grab or clamshell, dipper, dragline, or backhaul bucket is used, all digging passes of the bucket shall be completed without any material, once in the bucket, being returned to the wetted area, except as approved.
- e. The disposal area, method of disposal, or method of dredging will not be changed without prior written approval of the District Engineer.
- f. If the permittee, during prosecution of the work authorized herein, encounters a previously unidentified archeological or other cultural resource within the area subject to Department of the Army jurisdiction that might be eligible for listing in the National Register of Historic Places, he shall immediately notify the District Engineer.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). Formal consultation under Section 7 of the Act is not required for the described activity.

FLOOD PLAIN MANAGEMENT: Evaluation of the described activity will include conformance with appropriate State or local flood plain standards; consideration of alternative sites and methods of accomplishment; and weighing of the positive, concentrated and dispersed, and short- and long-term impacts on the flood plain.

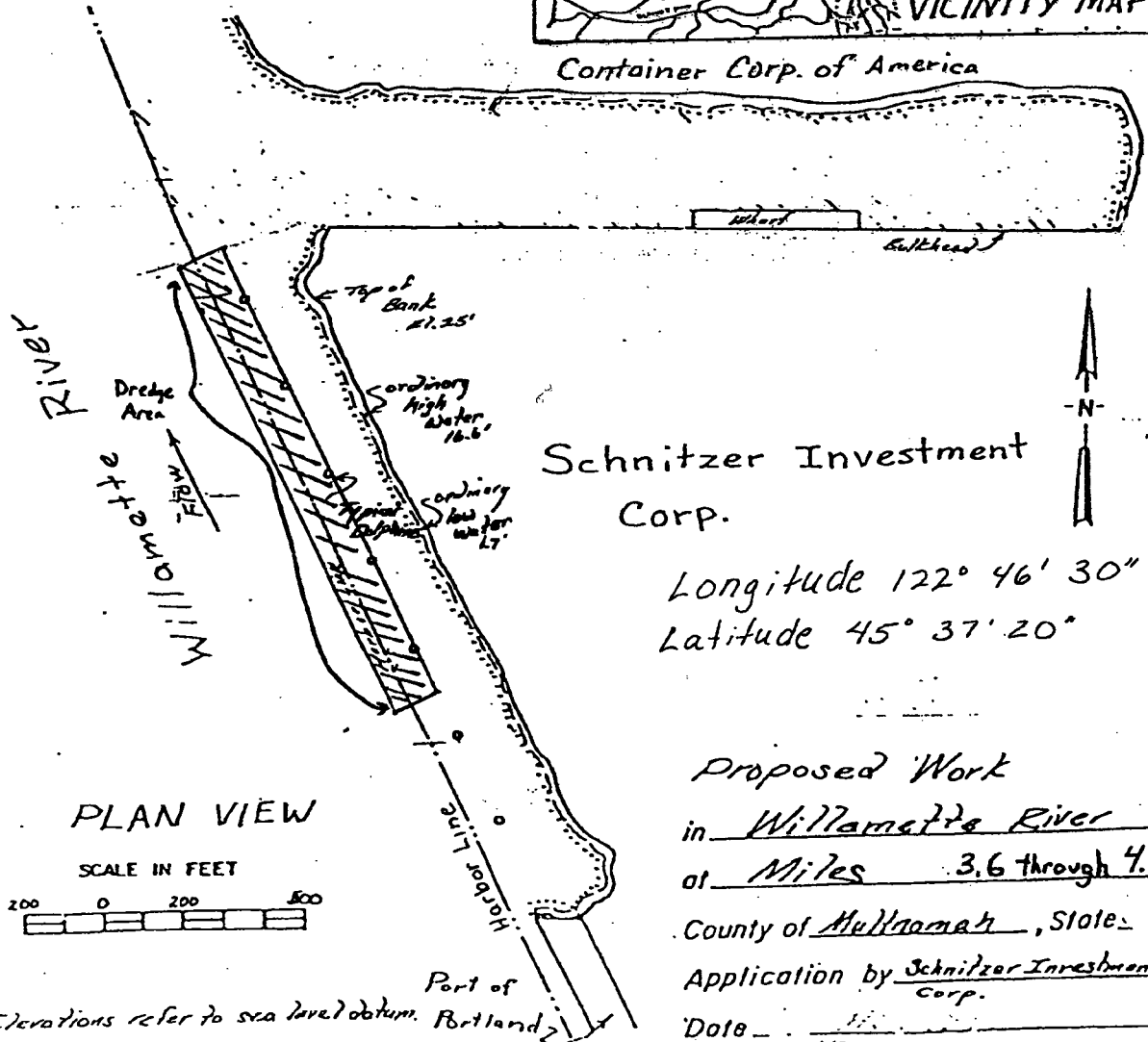
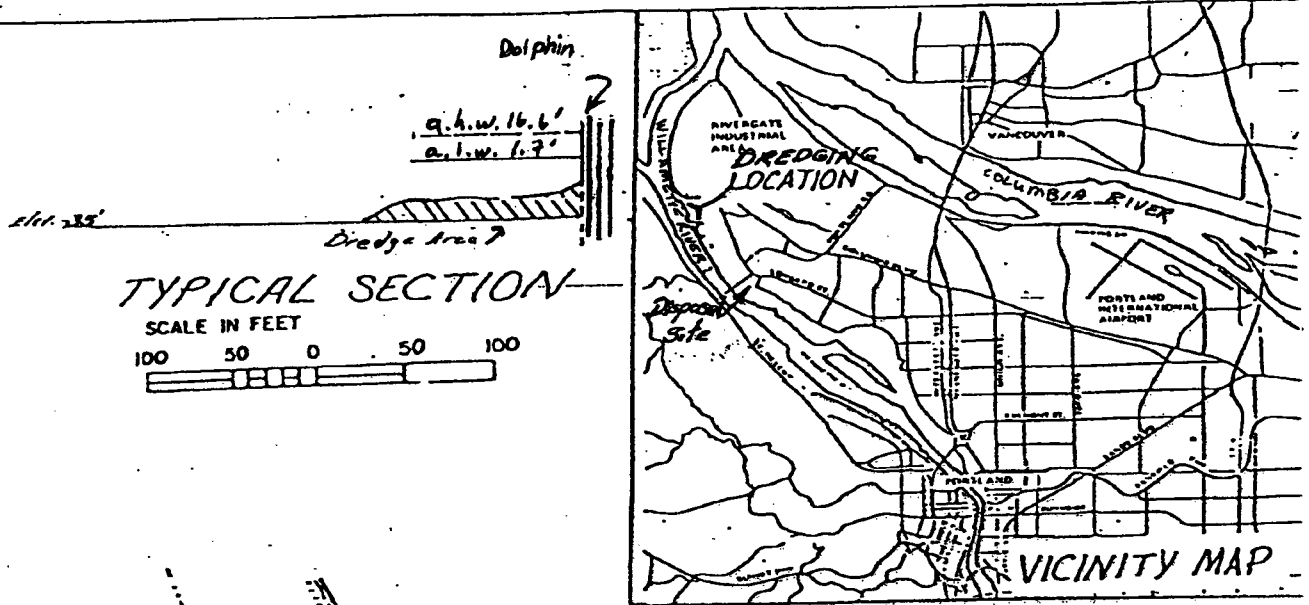
NPPND-RF-1  
004712

**CULTURAL RESOURCES:** The property described is not a registered or eligible property in the latest published version of the National Register of Historic Places.

**EVALUATION:** The decision whether to issue a permit will be based upon an evaluation of the probable impact of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, navigation, recreation, water supply, water quality, energy needs, safety, food and fiber production, and, in general, the needs and welfare of the people.

**ADDITIONAL REQUIREMENTS:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements which must be satisfied before the work is accomplished.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision.



Note: Elevations refer to sea level datum, Portland  
Sheet 1 of 1





UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
ENVIRONMENTAL & TECHNICAL SERVICES DIVISION  
847 NE 19th AVENUE, SUITE 350  
PORTLAND, OREGON 97232  
(503) 230-5400

December 29, 1982

F/NWR5:CRB

Colonel Robert L. Friedenwald  
District Engineer, Portland District  
Corps of Engineers  
P.O. Box 2946  
Portland, Oregon 97208

Re: Attached list of public notices

Dear Colonel Friedenwald:

We have reviewed the attached list of public notices and have no objection to the issuance of the permits provided the applicant (1) complies with Federal and State water quality standards and (2) adheres to all marine, estuarine, and anadromous fish or inland commercial fishery resource requirements of Federal and State fish and game agencies.

In the event we obtain additional information necessary to protect the fish resources, we will contact you.

Sincerely yours,

for Dale R. Evans  
Division Chief

Attachment

cc: Oregon Department of Fish and Wildlife  
Division of State Lands,  
Fish and Wildlife Service, ES, Portland  
Environmental Protection Agency

PUBLIC NOTICES

071-OYA-1-004716, Tyee Yacht Club (12/21/82)  
071-OYA-1-004712, Schnitzer Steel Products Co. (12/20/82)  
071-OYA-A-004735, U.S. Fish and Wildlife Service (12/23/82)  
071-OYA-1-004725, Fought and Company (12/23/82)  
071-OYA-2-004670, Gresham Sand and Gravel Company (11/30/82)

DEC 30 1982

DIVISION OF STATE LANDS



SCHN00318921

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101



REPLY TO  
ATTN OF:

M/S 423

DEC 30 1982

Colonel Robert L. Friedenwald  
District Engineer, Portland District  
Corps of Engineers  
P. O. Box 2946  
Portland, Oregon 97208

RE: 071-OYA-1-004716, Tyee Yacht Club, 12/21/82  
071-OYA-1-004712, Schnitzer Steel Products Co., 12/20/82

Dear Colonel Friedenwald:

We have reviewed the referenced permit applications.

Our agency has no objection to the issuance of these permits. However, we recommend that the applicants comply with all state and federal resource agency conditions that may be needed to protect the aquatic resources.

Sincerely,

*Carl Kasebaum*  
for Ronald A. Lee  
404 Review Team Leader

cc: USFWS - Portland  
NMFS  
ODSL  
ODFW

RECEIVED  
JAN 03 1983  
DIVISION OF STATE LANDS

SCHN00318922



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Division of Ecological Services

Portland Field Office

727 N. E. 24th Avenue

Portland, Oregon 97232

Reference: ES

January 3, 1983

Colonel Robert L. Friedenwald, District Engineer  
Portland District, Corps of Engineers  
P.O. Box 2946  
Portland, Oregon 97208

Dear Colonel Friedenwald:

The Fish and Wildlife Service has reviewed the project plans advertised by the following public notice. No significant adverse effects on fish and wildlife, their habitats, or human uses thereof are expected to result from the proposed work or activity. Therefore, the Service has no objection from the standpoint of fish and wildlife to the issuance of permits related to this notice, provided the applicant adheres to all conditions and requirements specified by the Oregon Division of State Lands.

Type of Permit: Section 10 of the 1899 Rivers and Harbors Act

Notice No./Date	Applicant Name	Due Date
071-OYA-1-004712 12/20	Schnitzer Steel Products Co.	1/10/83

Other Bureaus of the Department of the Interior do not expect to submit comments on this notice at this time.

Sincerely yours,

for Russell D. Peterson  
Field Supervisor  
Acting for U.S. Department of  
the Interior Coordinator

cc:  
EPA  
NMFS  
ODFW  
DSL  
DEQ

RECEIVED  
JAN 11 1983  
DIVISION OF STATE LANDS

SCHN00318923



## *Division of State Lands*

1445 STATE STREET, SALEM, OREGON 97310 PHONE 378-3805

January 4, 1983

### OREGON STATE LAND BOARD

VICTOR ATIYEH  
Governor

NORMA PAULUS  
Secretary of State

CLAY MYERS  
State Treasurer

E-31

Schnitzer Steel Products Co.  
3200 N.W. Yaon Avenue  
Portland, OR 97210

Gentlemen:

The Division of State Lands and other state agencies are reviewing the attached Corps of Engineers Public Notice. Based on the contents of the Public Notice, a state removal or fill permit will also be required for your project.

Enclosed are copies of the state application form and information concerning the state permit. Please submit one of the application forms, a set of drawings from the Public Notice, and the application fee of \$100.00 by ASAP so that the state permit review can be done along with review of the Public Notice.

If you have any questions, please contact us. Thank you for your cooperation.

Sincerely,

ED ZAJONC  
Director

Earle A. Johnson, Supervisor  
Environmental Management Unit

EAJ:eh

Enclosures

SCHN00318924

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ☐ Coastal Zone ☐ Fill ☐ Riprap ☐ Easement

☒ Removal ☐ Structure ☐ Lease

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

- ☐ A \_\_\_\_\_ permit is required by this agency.
- ☒ We do not believe the project would have an adverse effect.
- ☐ We believe the effects of this project, although measurable, would be acceptable.
- ☐ We believe the project would be acceptable if methods of construction were altered as listed below.
- ☐ We would attend a conference with the applicant to seek project alternatives.
- ☐ The project is unacceptable as proposed (explained).
- ☐ We have no comment.

JAN 6 1983

Comments:

RECEIVED  
JAN 3 1983  
DIVISION OF STATE LANDS

Agency AERO

By [Signature]

Date 1-6-83

SCHN00318925

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-0YA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
(☒) Removal ( ) Structure ( ) Lease

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

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- ( ) We believe the project would be acceptable if methods of construction were altered as listed below.
- ( ) We would attend a conference with the applicant to seek project alternatives.
- ( ) The project is unacceptable as proposed (explained).
- (☒) We have no comment.

Comments:

Agency BIOLOGIST

By 

Date 1/5/83

SCHN00318926

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-0YA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ☐ Coastal Zone ☐ Fill ☐ Riprap ☐ Easement  
☒ Removal ☐ Structure ☐ Lease

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- ☐ We believe the project would be acceptable if methods of construction were altered as listed below.
- ☐ We would attend a conference with the applicant to seek project alternatives.
- ☐ The project is unacceptable as proposed (explained).
- ☐ We have no comment.

Comments:

Agency LEASING

By \_\_\_\_\_

Date \_\_\_\_\_

SCHN00318927

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
( ☒ ) Removal ( ) Structure ( ) Lease

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

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- ( ) The project is unacceptable as proposed (explained).
- ( ) We have no comment.

Comments:

Agency STAN, ENG By \_\_\_\_\_ Date \_\_\_\_\_

SCHN00318928



DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ☐ Coastal Zone ☐ Fill ☐ Riprap ☐ Easement  
☒ Removal ☐ Structure ☐ Lease

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

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- ☐ We would attend a conference with the applicant to seek project alternatives.
- ☐ The project is unacceptable as proposed (explained).
- ☐ We have no comment.

Comments: \_\_\_\_\_

Agency

By

Date

SCHN00318929

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-0YA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
(☒) Removal ( ) Structure ( ) Lease

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- ( ) The project is unacceptable as proposed (explained).
- (☒) We have no comment.

Comments:

RECEIVED  
JAN 7 1983  
DIVISION OF STATE LANDS  
ADMINISTRATIVE  
JAN 6 1983  
STATE DEPARTMENT  
OF AGRICULTURE

Agency AG DEV DIV

By Mark Weiner

Date 1-6-82

SCHN00318930

DIVISION OF STATE LANDS State of Oregon  
1445 State Street DEPARTMENT OF ENVIRONMENTAL QUALITY  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

RECEIVED  
JAN 6 - 1983

WATERWAY PROJECT  
PERMIT REVIEW

WATER QUALITY CONTROL  
Corps Public Notice No. 071-OYA-1-004712

Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement

(☒) Removal ( ) Structure ( ) Lease

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- ( ) The project is unacceptable as proposed (explained).
- ( ) We have no comment.

Comments:

RECEIVED  
JAN 25 1983  
DIVISION OF STATE LANDS

Agency DEA

By

*Ken Carter*

Date

1-24-83

SCHN00318931

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-0YA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
(☒) Removal ( ) Structure ( ) Lease

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

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- ( ) The project is unacceptable as proposed (explained).
- ( ) We have no comment.

Comments:

RECEIVED  
JAN 11 1983  
DIVISION OF STATE LANDS

Agency ST MARIUS BD

By

Paul Donheffner

Date 1-11-83

SCHN00318932

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ☐ Coastal Zone ☐ Fill ☐ Riprap ☐ Easement  
☒ Removal ☐ Structure ☐ Lease

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- ☐ A \_\_\_\_\_ permit is required by this agency.
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- ☐ The project is unacceptable as proposed (explained).
- ☐ We have no comment.

Comments:

RECEIVED  
JAN 21 1983  
DIVISION OF STATE LANDS

By Jim Payne

Date 11 JAN 1983

SCHN00318933

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983  
DEPARTMENT OF LAND  
CONSERVATION AND DEVELOPMENT

WATERWAY PROJECT  
PERMIT REVIEW

JAN 21 1982

Corps Public Notice No. 071-OYA-1-004712 Div. of State Lands No. RP 3701

SALEM

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement

(☒) Removal ( ) Structure ( ) Lease

Multnomah Co.  
Jim Sitzman

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

- ( ) A \_\_\_\_\_ permit is required by this agency.
- ( ) We do not believe the project would have an adverse effect.
- ( ) We believe the effects of this project, although measurable, would be acceptable.
- ( ) We believe the project would be acceptable if methods of construction were altered as listed below.
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- ( ) The project is unacceptable as proposed (explained).
- ( ) We have no comment.

Comments:

DEPARTMENT OF LAND  
CONSERVATION AND DEVELOPMENT  
JAN 6 1982  
SALEM  
RECEIVED  
JAN 31 1983  
DIVISION OF STATE LANDS  
PERMITANCE C

Agency LCDC

By JR Sitzman

Date 1-13-83

SCHN00318934

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ☐ Coastal Zone ☐ Fill ☐ Riprap ☐ Easement  
☒ Removal ☐ Structure ☐ Lease

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

- ☐ A \_\_\_\_\_ permit is required by this agency.
- ☐ We do not believe the project would have an adverse effect.
- ☐ We believe the effects of this project, although measurable, would be acceptable.
- ☐ We believe the project would be acceptable if methods of construction were altered as listed below.
- ☐ We would attend a conference with the applicant to seek project alternatives.
- ☐ The project is unacceptable as proposed (explained).
- ☐ We have no comment.

Comments:

*grat*

Agency WATERWAY MGR By \_\_\_\_\_ Date \_\_\_\_\_

SCHN00318935

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
(☒) Removal ( ) Structure ( ) Lease

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

- ( ) A \_\_\_\_\_ permit is required by this agency.
- (☒) We do not believe the project would have an adverse effect.
- ( ) We believe the effects of this project, although measurable, would be acceptable.
- ( ) We believe the project would be acceptable if methods of construction were altered as listed below.
- ( ) We would attend a conference with the applicant to seek project alternatives.
- ( ) The project is unacceptable as proposed (explained).
- ( ) We have no comment.

Comments:

*W. Ed. Amador  
Melt  
Pattat  
dirt guy*

RECEIVED  
JAN 11 1983  
DIVISION OF STATE LANDS

Agency HIST PRES

By *[Signature]*

Date JAN 10 1983

D.W. POWERS  
DEPUTY SRPO

SCHN00318936



DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-OYA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
(☒) Removal ( ) Structure ( ) Lease

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

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- (☒) We do not believe the project would have an adverse effect.
- ( ) We believe the effects of this project, although measurable, would be acceptable.
- ( ) We believe the project would be acceptable if methods of construction were altered as listed below.
- ( ) We would attend a conference with the applicant to seek project alternatives.
- ( ) The project is unacceptable as proposed (explained).
- ( ) We have no comment.

Comments:

RECEIVED  
JAN 11 1983  
DIVISION OF STATE LANDS

Agency PORT OF PORTLAND

By E. N. Weber

Date 1/7/83

SCHN00318937

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

RECEIVED

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

OSDA DIVISION OF SOIL  
AND WATER CONSERVATION

Corps Public Notice No. 071-OYA-1-004712

Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
(☒) Removal ( ) Structure ( ) Lease

*E. Multnomah*

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

- ( ) A \_\_\_\_\_ permit is required by this agency.
- (☒) We do not believe the project would have an adverse effect.
- ( ) We believe the effects of this project, although measurable, would be acceptable.
- ( ) We believe the project would be acceptable if methods of construction were altered as listed below.
- ( ) We would attend a conference with the applicant to seek project alternatives.
- ( ) The project is unacceptable as proposed (explained).
- ( ) We have no comment.

Comments:

RECEIVED  
JAN 11 1983  
DIVISION OF STATE LANDS

Agency SW

By Charles V. Giles/gr Date 1/11/83

SCHN00318938

DIVISION OF STATE LANDS  
1445 State Street  
Salem, Oregon 97310  
Phone: 378-3059

Date: January 4, 1983

WATERWAY PROJECT  
PERMIT REVIEW

Corps Public Notice No. 071-QYA-1-004712 Div. of State Lands No. RP 3701

Applicant: Schnitzer Steel Products Co.

Please return your comments to the Division of State Lands by: AS SOON AS POSSIBLE

Application involves: ( ) Coastal Zone ( ) Fill ( ) Riprap ( ) Easement  
(☒) Removal ( ) Structure ( ) Lease

We have reviewed the above Corps Notice/Permit Application and offer the following comments:

- ( ) A \_\_\_\_\_ permit is required by this agency.
- ( ) We do not believe the project would have an adverse effect.
- ( ) We believe the effects of this project, although measurable, would be acceptable.
- ( ) We believe the project would be acceptable if methods of construction were altered as listed below.
- ( ) We would attend a conference with the applicant to seek project alternatives.
- ( ) The project is unacceptable as proposed (explained).
- ( ) We have no comment.

Comments:

*If the disposal site is an existing dredge disposal area no planning or zoning permit is necessary. If the disposal site, shown in distinctly on the back page, is a new fill area a conditional use and gateway permit is required.*

RECEIVED

JAN 07 1983

City of Portland  
Bureau of Planning

RECEIVED

JAN 27 1983

DIVISION OF STATE LANDS

Agency CITY OF PORTLAND

By Douglas Warren

Date 1-25-83

SCHN00318939

WATERWAY PERMIT JAN 10 1983  
RESPONSE SHEET

Division of State Lands

1445 State Street

Salem, Oregon 97310

059 (permit section)

Name of Applicant

SCHNITZER STEEL PRODUCTS CO.

USCE Permit No.

DEL Permit No. RP3701

Waterway WILLAMETTE R.

County MULTNOMAH

New X Renewal

Date 1-10-83

A. WATER QUALITY CONDITIONS

- ☒ 1. The turbidity standard for this operation is:
- ☒ a. turbidity increase limited to 5-PTU's
- ☒ b. no turbidity increase when background is 30 PTU's or less; 10% increase when background more than 30-PTU's. as measured 100' below project.
- ☐ c. all efforts shall be made to minimize any turbidity increase.
- ☐ 2. The operation shall be conducted behind a berm/leave strip.
- ☒ 3. Fill materials/waste materials/spoils shall be placed:
- ☒ a. above the bankline (elevation above ordinary high water)
- ☐ b. above Mean Higher High Water
- ☐ c. behind previously constructed berms
- ☒ d. AT WARD CREEK SITE BETWEEN FLOODING MARINE WAYS & P.D. OF PORTLAND PROJECT.
- ☐ 4. Waste waters from the project
- ☐ a. shall not be allowed to re-enter the waterway
- ☐ b. shall be provided adequate settling time
- ☐ c. shall meet conditions of DEP permit
- ☐ d.
- ☒ 5. There shall be no removal or filling in the permit area between FEB 15 - MAY 15  
MAY 15 - 1-30  
for the following reasons:
- ☐ 6. There shall be no operation of equipment in the active flowing stream:
- ☐ a. between
- ☐ b. except to construct or maintain berm, such work to be done only between
- ☐ c.

B. OPERATING CONDITIONS

- ☐ 1. The stream shall not be diverted from the natural bed.
- ☐ 2. The stream shall not be diverted with natural bed.
- ☐ 3. At project's completion, the stream shall:
- ☐ a. placed in a single channel
- ☐ b. returned to the original channel
- ☐ c.
- ☐ 4. All potholes or removal pits shall
- ☐ a. leveled
- ☐ b. connected to the stream
- ☐ c. by (date)
- ☐ d. at end of season's work
- ☒ 5. Material shall not be removed to a depth greater than:
- ☐ a. feet above/below ordinary low water
- ☐ b. feet above/below the streambed
- ☐ c. the water surface level at time of operation
- ☒ d. -35 FEET MEAN SEA LEVEL.
- ☐ 6. A new channel may be constructed under these conditions:
- ☐ a. there shall be no operation of equipment in the active flowing stream except to connect the newly dug channel into the existing stream
- ☐ b. the new channel shall have a pool-riffle ratio of

B. OPERATING CONDITIONS - (continued)

- ☐ c. the new channel shall be completely excavated before diverting the stream flow
- ☐ d. the old channel shall be permanently blocked at upstream/downstream end with impervious material protected by suitable bank protection
- ☐ e. spoils from the excavation of the new channel shall be stockpiled; and after the diversion has been accomplished, the material may be used to fill the abandoned channel.
- ☐ f.

C. BANK PROTECTION CONDITIONS

- ☐ 1. Clean, durable rock riprap from an upland source shall/should be placed on disturbed or damaged streambanks.
- ☐ a. in a manner that does not appreciably increase the upland surface area
- ☐ b. the operation shall not be done between (dates) dredge disposal
- ☒ 2. The area of streambank soil disturbance shall be revegetated. This cover shall include but not be limited to:
- ☒ a. grass/legumes
- ☐ b. shrubs
- ☐ c. trees
- ☐ d.
- ☐ 3. All riprap shall be placed from above the bankline.
- ☐ 4. The completed revetment shall have a slope no steeper/flatter than (specify 2:1, etc.)
- ☐ 5. There shall be no operation of equipment in the water except to dig a toe trench.
- ☐ 6. Streambed gravels may be used to prepare a filter blanket
- ☐ a. if from toe trench excavation
- ☐ b.
- ☐ 7. No removal of woody vegetation shall occur.

have discussed the project with the applicant.

☐ Additional comments are added on the back of this sheet.

JAN 20 1983

DIVISION OF STATE LANDS

AGENCY

DR. DEPT. FISH & WILDLIFE

BY

P. KEELEY

SCHN00318940

February 10, 1983

Mr. Jerome Simpson  
US Army Corps of Engineers  
Portland District  
Regulatory Functions Branch  
P.O. Box 2946  
Portland, OR 97208

RE: #017-OYA-A-004712 (River Miles <sup>3.6</sup> 4.04444)  
#071-OYA-2-004618 (River Mile 3.6)

Dear Mr. Simpson:

We have recently been advised by the Port of Portland that the Swan Island lagoon disposal site is no longer available. Although we have the option of accepting a permit from you with the condition of an upland disposal, such a condition would make our two projects cost prohibitive.

We hereby withdraw our applications for maintenance dredging under the referenced permit numbers. As soon as we have found an acceptable disposal site, we will reapply and name that site. As we have agreed, there will be no prejudice to Schnitzer Steel Products Co. arising out of this withdrawal.

Very truly yours,

SCHNITZER STEEL PRODUCTS CO.

Richard I. Rappaport  
Corporate Counsel

RIR/ar  
cc: Mr. Loren Kramer

bcc: Bruno Moreschi  
Bond Easily

SCHN00318943

Earle

February 22, 1983

Navigation Division (ND-RF-1)

Subject: 071-OYA-2-004618 (Willamette River - Dredging)  
071-OYA-1-004712

Schnitzer Steel Products Company  
ATTN: Richard Rappaport  
3200 N. W. Yeon Avenue  
Portland, Oregon 97210

RECEIVED  
MAR 2 1983

DIVISION OF STATE LANDS

Dear Mr. Rappaport:

In response to your February 10, 1983 letter to Mr. Simpson of my staff, the subject applications are hereby considered to be withdrawn. Such applications may be resubmitted at a later date without prejudice, provided that the applications are accompanied by sufficient evidence to show that previous obstacles either no longer apply or have been overcome. Therefore, your applications and drawings are being returned.

Any future correspondence or applications should refer to the referenced application numbers.

Sincerely,

Enclosures

G. A. Newgard  
Chief, Regulatory Functions Branch

Copy Furnished:

USF&W  
NMFS  
EPA  
OSDL ✓

SCHN00318946

*Earle*

February 22, 1983

Navigation Division (ND-RK-1)

Subject: 071-OYA-2-004618 (Willamette River - Dredging)  
071-OYA-1-004712

Schnitzer Steel Products Company  
ATTN: Richard Rappaport  
3200 N. W. Yeon Avenue  
Portland, Oregon 97210

RECEIVED  
MAR 2 1983  
DIVISION OF STATE LANDS

Dear Mr. Rappaport:

In response to your February 10, 1983 letter to Mr. Simpson of my staff, the subject applications are hereby considered to be withdrawn. Such applications may be resubmitted at a later date without prejudice, provided that the applications are accompanied by sufficient evidence to show that previous obstacles either no longer apply or have been overcome. Therefore, your applications and drawings are being returned.

Any future correspondence or applications should refer to the referenced application numbers.

Sincerely,

Enclosures

G. A. Newgard  
Chief, Regulatory Functions Branch

Copy Furnished:  
USF&W  
NMFS  
EPA  
OSDL ✓

SCHN00318947

# SCHNITZER STEEL PRODUCTS CO.

3200 N.W. Yeon Ave. P.O. Box 10047 Portland, Oregon 97210 Phone 503/224-9900 Telex/W.U. 36-0144

RECEIVED  
MAR 4 1983  
DIVISION OF STATE LANDS

March 2, 1983

Mr. Earle A. Johnson  
Supervisor  
Division of State Lands  
1445 State Street  
Salem, OR 97310

RE: Army Corps Reference #071-OYA-1-004712  
#071-OYA-2-004618  
Permits for Maintenance Dredging

Dear Mr. Johnson:

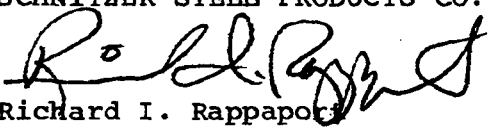
Enclosed is a copy of a letter we wrote to the Army Corps of Engineers withdrawing without prejudice the referenced applications for maintenance dredging.

The Corps allowed our withdrawal and we will be submitting new applications as soon as we can locate an acceptable disposal site.

Please advise what, if anything, we should do with the materials enclosed in your January 4, 1983 letter to us.

Sincerely,

SCHNITZER STEEL PRODUCTS CO.

  
Richard I. Rappaport  
Corporate Counsel

RIR/dr  
Enclosure



# SCHNITZER STEEL PRODUCTS CO.

3200 N.W. Yeon Ave. P.O. Box 10047 Portland, Oregon 97210 Phone 503/224-9900 Telex/W.L. 35-0144

March 9, 1983

HAND DELIVERED

Mr. Jerome Simpson  
US Army Corps of Engineers  
Portland District  
Regulatory Functions Branch  
P.O. Box 2946  
Portland, OR 97208

RE: #017-OYA-1-004712

Dear Mr. Simpson:

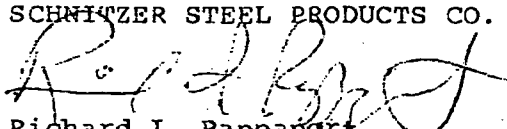
We refer to our letter dated February 10, 1983. Confirming our recent telephone conversations, we hereby cancel the notice in that letter by which we withdrew our application for permit.

We have contracted for ~~our~~ services of Coast Marine Construction Co., and they have agreed to perform the dredging and dispose the material in the Multnomah channel. Lee Bjork of Coast Marine prepared the attached description and vicinity view of the disposal site.

Thank you for your patience.

Very truly yours,

SCHNITZER STEEL PRODUCTS CO.

  
Richard I. Rappaport  
Corporate Counsel

RIR/dr  
Enclosure  
cc: Mr. Loren Kramer  
Mr. Bruno Moreschi  
Division of State Lands



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2944  
PORTLAND, OREGON 97208

March 14, 1983

RECEIVED  
MAR 18 1983

DIVISION OF STATE LANDS

Navigation Division (ND-RF-1)

Subject: 071-OYA-1-004712 (Willamette River - Dredging)

Oregon Division of State Lands  
1445 State Street  
Salem, Oregon 97310

Dear Sir:

On December 20, 1982, we issued a Public Notice for Schnitzer Steel Products Company, to dredge 50,000 cubic yards of silty sand at Mile 3.8 of the Willamette River.

Because the designated spoils site (Swan Island Lagoon) was closed to further disposal, the applicant was forced to look elsewhere. Since no sites could be found, they chose to withdraw their application. On February 22, 1983, we sent a letter notifying you that the application was withdrawn. At the time the application was withdrawn, all the Federal Agencies, NMFS, USFWS, and EPA had responded with no objection. The Oregon Division of State Lands did not have an opportunity to comment before the application was withdrawn.

Rather than issue a public notice for another 30 day review, we are informing all interested agencies by copy of this letter and the revised public notice (drawing includes new disposal area), that we will process this request to a conclusion within 15 days from the date of this letter. If we do not hear from you within this time period, we will consider your initial response valid.

Recently the applicants contractor found an upland site in Multnomah Channel which was confirmed by our field investigation as indicated in the attached letter dated February 18, 1983. Therefore, in response to the applicants March 9, 1983 request we are reactivating the file.

Sincerely,

G. A. Newgard  
Chief, Regulatory Functions Branch

Enclosure

SCHN00318950

Division of State Lands  
1445 State Street  
Salem, Oregon, 97310  
Phone: 378-3059  
378-3805

Permit No. 3701  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date March 15, 1984  
PN 004712

SCHNITZER STEEL PRODUCTS CO.

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF HIS APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulations pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. Creation of new lands upon submerged or submersible lands must comply with provisions of ORS 274.905 et seq.
4. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
5. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
6. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
7. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
8. The Division of State Lands retains authority to temporarily halt or modify the operation if it should cause excessive turbidity or damage to natural resources.
9. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson  
Authorized Signature

March 15, 1983  
Date Issued

SCHN00318951

ATTACHMENT A

Special Conditions for Material Removal Permit No. 3701

1. This permit authorizes the removal of up to 15,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, miles 3.6 to 4.0) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. The following conditions apply to the disposal of material:
  - a. Waste materials and spoils shall be placed upland in an approved disposal site behind previously constructed berms as depicted on the attached permit drawing (sheet 2 of 2).
  - b. The toe of the berm shall have a minimum of 10 foot setback from Multnomah Channel.
  - c. There shall be no spoils or other fill (berm) placed in wetland areas.
  - d. Existing bankline vegetation shall be preserved.
  - e. Tree removal within boundaries of the disposal site shall be at a minimum necessary to accomplish the intended work.
  - f. The area of dredge disposal shall be seeded or planted with grass and/or legumes.
4. There shall be no removal in the permit area between February 15 and May 15 nor between September 1 and September 30.
5. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
6. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

March 15, 1983

March 15, 1983

Schnitzer Steel Products Co.  
Att: Mr. Richard Rapport  
3200 N. W. Yeon Avenue  
Portland, OR 97210

RE: Material Removal Permit No. 3701  
Corps Public Notice No. 071-0YA-1-004712  
Willamette River - Dredging

Dear Mr. Rapport:

This letter authorizes modification of the timing condition #4 of the above referenced permit to allow dredging to commence at this time. Please be advised that future dredging will be allowed only during the time frame specified in condition #4. All other conditions of this permit shall remain in force.

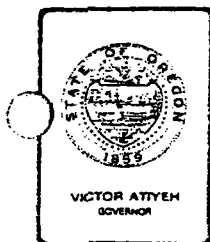
Please contact us if you have any questions or if we can be of further assistance.

Sincerely,

Earle A. Johnson  
Assistant Director  
Environmental Permits Section

cc: U. S. Army Corps of Engineers  
Oregon Department of Fish and Wildlife  
Coast Marine Construction Company

SCHN00318953



OREGON STATE  
LAND BOARD

VICTOR ATIYEH  
Governor

NORMA PAULUS  
Secretary of State

CLAY MYERS  
State Treasurer

## Division of State Lands

1445 STATE STREET, SALEM, OREGON 97310 PHONE 378-3805

January 19, 1984

D-31  
Schnitzer Steel Products Company  
Attn: Richard I. Rappaport  
3200 NW Yeon Avenue  
Portland, OR 97210

Permit No.: RP 3701  
Waterway: Willamette River  
Expiration Date: 3-15-84  
Please return by: 2-9-84  
Fee \$100.00

Dear Sir:

Your Removal-Fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do other work or modify your earlier plans, please complete the attached application and send it with suitable maps and drawings, to our office. If any information is needed to update our files it will be checked below. Please return this letter and any information, if needed, to our office.

- \_\_\_\_\_ An updated application form, with all appropriate information filled in and signed by an authorized person.
- \_\_\_\_\_ A map showing the location of the area and landmarks for finding the operation. An example is enclosed.
- \_\_\_\_\_ A plan-view map of the project. This may be hand drawn; an example is enclosed.
- \_\_\_\_\_ A cross-section drawing showing the existing area and the proposed alteration. An example is enclosed.

Please contact us if you have any questions involving the permit program or this renewal. Please call Permit Section at 378-3059.

Sincerely,

*Marge Akers*

Marge Akers  
Waterway Permit Specialist

Enclosures

(PLEASE CHECK)

( ) I do not wish to  
renew this permit.

☒ Please renew this  
permit; no change in  
plans.

( ) Please renew this  
permit; revised plans  
attached.

JAN 20 1984  
**RECEIVE**  
FEB 15 1984  
DIVISION OF STATE LANDS  
REMITTANCE \$100.00

SCHN00318954

Division of State Lands  
1445 State Street  
Salem, Oregon, 97310  
Phone: 378-3059  
378-3805

Permit No. 3701 Renewal  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date March 27, 1985  
PN 004712

SCHNITZER STEEL PRODUCTS CO.

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF HIS APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulations pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. Creation of new lands upon submerged or submersible lands must comply with provisions of ORS 274.905 et seq.
4. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
5. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
6. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
7. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
8. The Division of State Lands retains authority to temporarily halt or modify the operation if it should cause excessive turbidity or damage to natural resources.
9. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson  
Authorized Signature

March 27, 1984  
Date Issued

SCHN00318955

ATTACHMENT A

Special Conditions for Material Removal Permit No. 3701

1. This permit authorizes the removal of up to 15,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, miles 3.6 to 4.0) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. The following conditions apply to the disposal of material:
  - a. Waste materials and spoils shall be placed upland in an approved disposal site behind previously constructed berms as depicted on the attached permit drawing (sheet 2 of 2).
  - b. The toe of the berm shall have a minimum of 10 foot setback from Multnomah Channel.
  - c. There shall be no spoils or other fill (berm) placed in wetland areas.
  - d. Existing bankline vegetation shall be preserved.
  - e. Tree removal within boundaries of the disposal site shall be at a minimum necessary to accomplish the intended work.
  - f. The area of dredge disposal shall be seeded or planted with grass and/or legumes.
4. There shall be no removal in the permit area between February 15 and May 15 nor between September 1 and September 30.
5. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
6. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

March 27, 1984

SCHN00318956





## Division of State Lands

1445 STATE STREET, SALEM, OREGON 97310 PHONE 378-3805

January 2, 1985

OREGON STATE  
LAND BOARD

VICTOR ATIYEH  
Governor

NORMA PAULUS  
Secretary of State

CLAY MYERS  
State Treasurer

RP 3701  
Schnitzer Steel Products Co.  
Attn: Richard I. Rappaport  
3200 NW Yeon Ave.  
Portland, OR 97210

Your Removal-Fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do any additional work or have a change in your original plans, please complete the attached application and submit it, with the appropriate maps and/or drawings, to our office.

Please return this letter, indicating the action you wish to be taken.  
If there are any questions regarding the permit program or this renewal, please call the Environmental Permits Section at 378-3059.

Sincerely,

*Juan Payne*

for Marge Akers  
Waterway Permit Specialist

MA:sp

Enclosures

-----  
PLEASE RESPOND BY:

☐ Do Not  
Renew  
This Permit

☒ Please Renew  
This Permit  
(Fee Enclosed)

Permit No.: RP 3701  
Waterway: Willamette River  
Expiration Date: Mar. 27, 1985  
Fee: \$100.00

RECEIVED  
JAN 17 1985

DIVISION OF STATE LANDS  
REMITTANCE \$100.00

SCHN00318957

Division of State Lands  
1445 State Street  
Salem, OR 97310  
Phone: 378-3059  
378-3805

Permit No. 3701 Renewal  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date March 27, 1986  
PN 004712

SCHNITZER STEEL PRODUCTS CO.

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

NOTICE: If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Division of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Division of State Lands, Waterway Leasing Office, 378-3805.

Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson  
Authorized Signature

February 27, 1985  
Date Issued

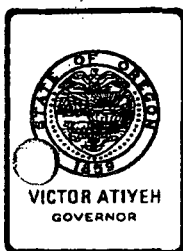
SCHN00318958

ATTACHMENT A

Special Conditions for Material Removal Permit No. 3701

1. This permit authorizes the removal of up to 15,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, miles 3.6 to 4.0) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. The following conditions apply to the disposal of material:
  - a. Waste materials and spoils shall be placed upland in an approved disposal site behind previously constructed berms as depicted on the attached permit drawing (sheet 2 of 2).
  - b. The toe of the berm shall have a minimum of 10 foot setback from Multnomah Channel.
  - c. There shall be no spoils or other fill (berm) placed in wetland areas.
  - d. Existing bankline vegetation shall be preserved.
  - e. Tree removal within boundaries of the disposal site shall be at a minimum necessary to accomplish the intended work.
4. There shall be no removal in the permit area between February 15<sup>1</sup> and May 15 nor between September 1 and September 30.
5. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
6. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

February 27, 1985



## Division of State Lands

1445 STATE STREET, SALEM, OREGON 97310 PHONE 378-3805

January 3, 1986

### OREGON STATE LAND BOARD

VICTOR ATIYEH  
Governor

BARBARA ROBERTS  
Secretary of State

BILL RUTHERFORD  
State Treasurer

RP 3701

Schnitzer Steel Products Co.

ATTN: Richard I. Rappaport

3200 NW Yeon Avenue

Portland, OR 97210

Your Removal-fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do any additional work or make a change in your original plans, please complete the attached application and submit it, with the appropriate maps and /or drawings, to our office.

Please return this letter, indicating the action you wish to be taken. If there are any questions regarding the permit program or this renewal, please call the Environmental Permits Section at 378-3059.

Sincerely,

*Susan M. Payne*

*Marge Akers*  
Waterway Permit Specialist

MA/sp  
Enclosures  
0170g

PLEASE RESPOND BY: January 31, 1986

Do Not  
Renew  
This Permit

Please Renew  
This Permit  
(Fee Enclosed)

Permit No.: RP 3701  
Waterway: Willamette R.  
Expiration Date: 03/21/86  
Fee: \$100.00

SCHN00318960

# SCHNITZER STEEL PRODUCTS CO.

3200 N.W. Yeon Ave. P.O. Box 10047 Portland, Oregon 97210 Phone 503/224-9900 Telex/W.U. 36-0144



January 13, 1986

Ms. Marge Akers  
Waterway Permit Specialist  
Division of State Lands  
1445 State Street  
Salem, Oregon 97310

Re: Permit No. RP-3701

Dear Ms. Akers:

Attached is our renewal application for the referenced permit. Please note that our previous application stated disposal of the dredged material would be at the Swan Island Lagoon. Since that site is no longer available for disposal, we have indicated an alternative site, selected by the Department of the Army, Portland District Corps of Engineers.

Very truly yours,

SCHNITZER STEEL PRODUCTS CO.

Dori Schnitzer  
Corporate Counsel

DS/jh

RECEIVED  
JAN 14 1986  
DIVISION OF STATE LANDS



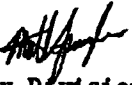
## MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 SE MORRISON/PORTLAND, OREGON 97214

February 5, 1986

### MEMORANDUM

To: Division of State Lands

From: Matt Spangler,   
Multnomah County Division of Planning and Development

Subject: Permit Renewals #RP 1055 and #RP 3701

The above referenced Renewal Notices have been reviewed by this department. Portions of the property proposed as the new disposal site are located within the regulatory floodway as identified on the Federal Flood Hazard Boundary Maps. County zoning regulations prohibit the deposition of fill material within this floodway area. The floodway at the location of the proposed disposal site extends approximately 200 feet landward from the top of the bankline along Multnomah Channel. Based on the application materials provided, we are unable to determine whether any material is proposed to be disposed of in this area.

In order to avoid conflict with County floodplain management regulations, all material must be disposed of landward of the 200-foot wide floodway area.

If you have questions or need further information, please contact this office at 248-3833.

MS:sec/0618M

RECEIVED  
FEB 7 1986

DIVISION OF STATE LANDS

SCHN00318962

Division of State Lands  
1445 State Street  
Salem, OR 97310  
Phone: 378-3059  
378-3805

Perm. No. 3701 - Renewal  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date April 30, 1987  
PN 004712

SCHNITZER STEEL PRODUCTS COMPANY

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

NOTICE: If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Division of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Division of State Lands, Waterway Leasing Office, 378-3805.

Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson  
Authorized Signature

April 30, 1986  
Date Issued

SCHN00318965

ATTACHMENT A

Special Conditions for Material Removal Permit No. 3701

1. This permit authorizes the removal of up to 15,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, miles 3.6 to 4.0) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Turbidity increase shall be limited to 10% increase above background as measured 100 feet below project.
3. Waste materials and spoils shall be placed above the bankline in an approved upland disposal site and not in any wetland areas. Upland disposal shall comply with Multnomah County's floodplain management regulations (Matt Spangler, phone: 248-3833).
4. Turbid waste waters from the project shall not be allowed to re-enter the waterway.
5. There shall be no removal in the permit area between February 1 and May 15 nor between September 1 and September 30.
6. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
7. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

April 30, 1986



JOINT APPLICATION FOR PERMIT

U.S. ARMY CORPS OF ENGINEERS  
STATE OF OREGON, DIVISION OF STATE LANDS

WHEREAS Department of the Army permits for proposed work in or affecting navigable waters of the United States, the discharge of dredged or fill material into those waters, and the transport of dredged material for the purpose of dumping it into ocean waters are authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act of 1977, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972, respectively, ---AND---permits for that part of those project activities which includes the removal or fill in the waterways of Oregon of rock, gravel, silt, and clay are authorized by the State of Oregon under O.R.S. 541.605 to 541.695---THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES.

For Agency Use Only	Corps of Engineers # _____	For Agency Use Only	State of Oregon # <u>RP 3701</u>
	_____		_____
	Date received _____		Date received _____

Name of Waterway Willamette River River 3.6 through Local International Terminals  
Mile 4.0 Name

Section 35 Township 2N Range 1W  
Estimated Starting Date of Project as soon as possible Estimated Completion ongoing  
Date of Project as soon as possible Date of Project maintenance dredging

NAME OF APPLICANT <u>Schnitzer Steel Products Co.</u>	AUTHORIZED AGENT <u>Dori Schnitzer</u>
Address <u>3200 N.W. Yeon Avenue</u>	Address <u>3200 N.W. Yeon Avenue</u>
City, State, Zip Code <u>Portland OR 97210</u>	City, State, Zip Code <u>Portland OR 97210</u>
Area _____ Area _____	Area _____ Area _____
Phone: Work <u>(503) 224-9900</u> Home <u>( )</u>	Phone: Work <u>(503) 227-7447</u> Home <u>( )</u>

PROJECT SUPERVISOR Bond Easly Phone: Work (503) 286-5771 Home ( )

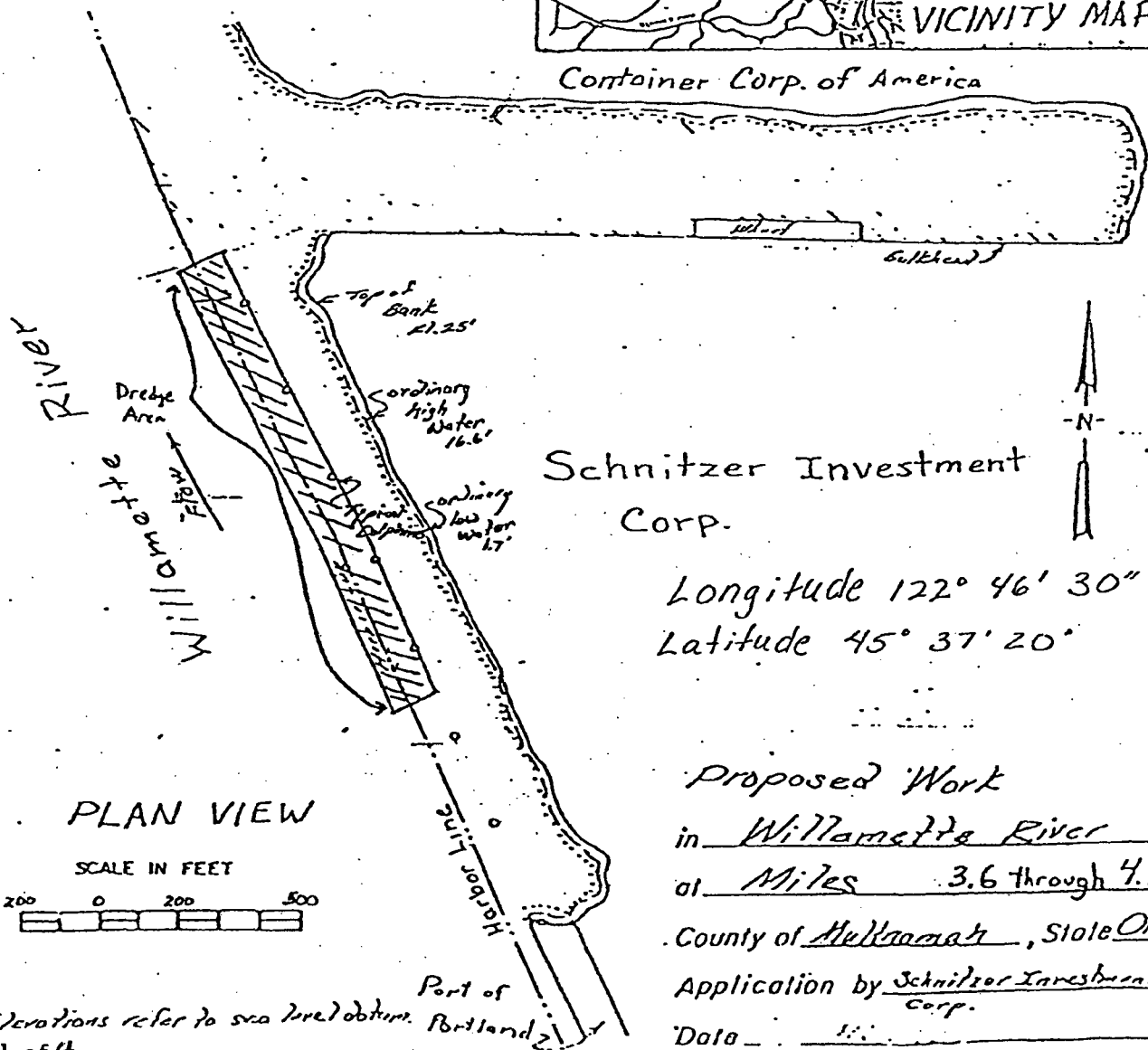
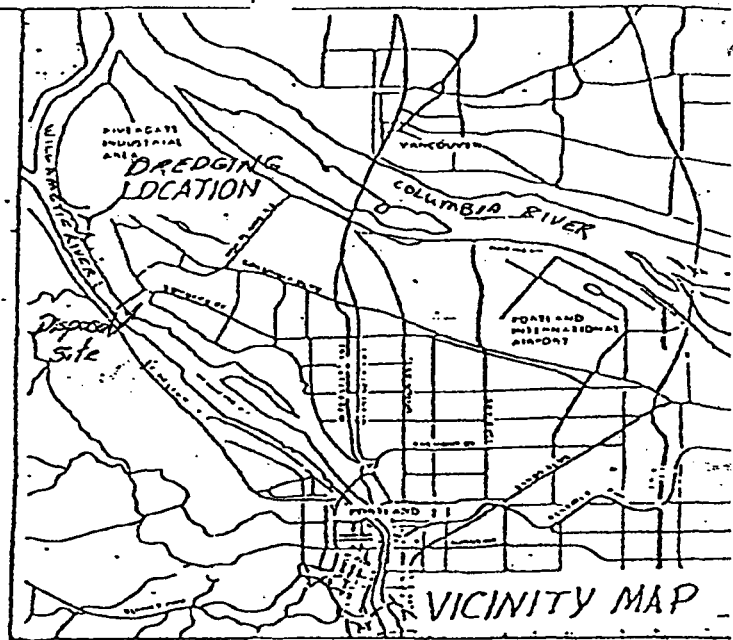
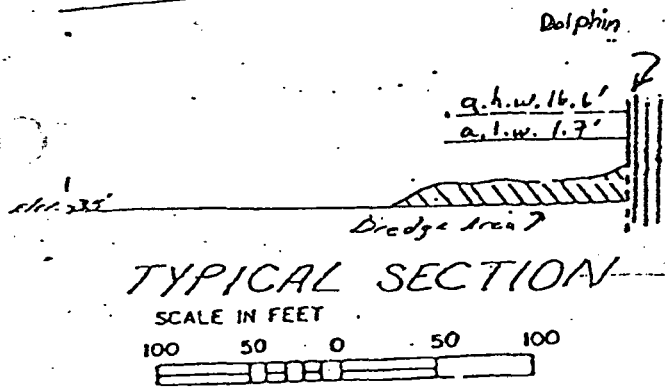
PROPERTY OWNER IF OTHER THAN APPLICANT <u>Schnitzer Investment Corp.</u>	PROJECT ADDRESS <u>12005 N. Burgard Road</u>
Address <u>3200 N. W. Yeon Avenue</u>	City, County, State <u>Portland, Multnomah, OR</u>
City, State, Zip Code <u>Portland OR 97210</u>	Zip Code <u>97203</u>
Area _____ Area _____	Assessor's Records--
Phone: Work <u>(503) 224-9900</u> Home <u>( )</u>	Shown on Map # _____ Tax Lot # <u>55</u>
	Name of Subdivision _____ Lot _____ Block _____

In order to expedite the processing of this application, the following city and/or county department, which has local jurisdiction over the proposed project, has been contacted:

Name of Department: City of Portland Greenway Project  
Address: \_\_\_\_\_  
Phone Number: 796 7310

APPROVALS OR CERTIFICATIONS applied for or already obtained from other agencies (Federal, interstate, state, county, city, area) for any of the proposed projects described in this application:

Issuing Agency	Type of Approval	Identification #	Date of Application	Date of Approval
State Division of Lands	Dredge	RP-3701		



Note: Elevations refer to sea level datum, Portland 2  
Sheet 1 of 4

Container Corp. of America

Schnitzer Investment Corp.

Longitude 122° 46' 30"  
Latitude 45° 37' 20"

Proposed Work  
in Willamette River  
at Miles 3.6 through 4.0  
County of Multnomah, State Or.  
Application by Schnitzer Investment Corp.

Date NOVEMBER 17, 1982

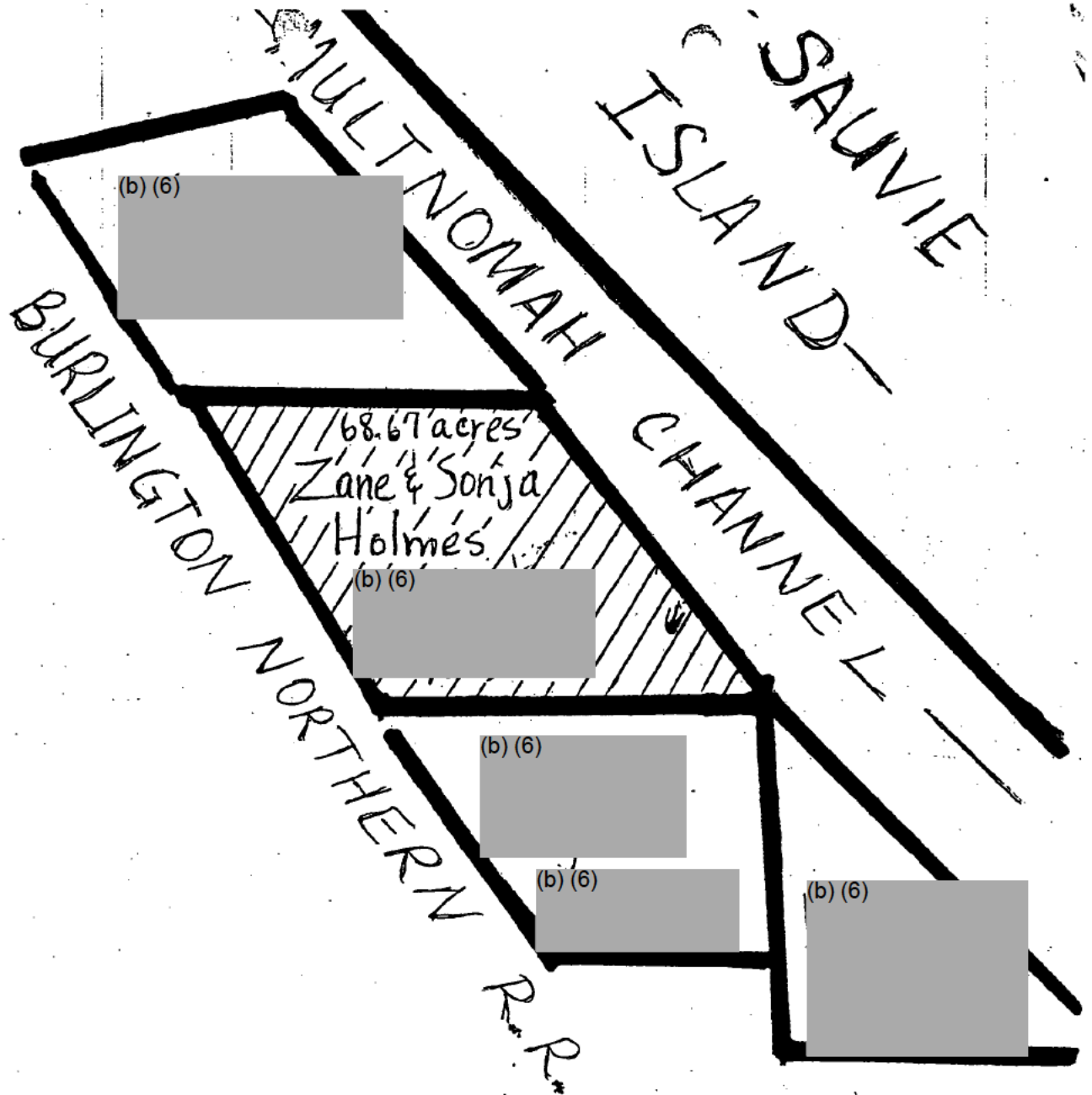
~~DO NOT DISPOSE OF WASTE IN THIS AREA~~  
~~MULTNOMAH CHANNEL - MILE 17.5~~  
27 Dec 1977 Scale: 1" = 500'



AUTHORIZED DISPOSAL SITE, [REDACTED]  
(ALTERNATELY, ANOTHER WELAND  
DISPOSAL AREA MAY BE USED)

SHEET 2 OF 4

SCHN00318969



68.67 acres fill site  
owned by Zane & Sonja  
Holmes.

SHEET 3 OF 4

SCHN00318970



## Division of State Lands

1600 STATE STREET SALEM, OREGON 97310 PHONE (503) 378-3805

February 4, 1987

OREGON STATE  
LAND BOARD

NEIL GOLDSCHMIDT  
Governor

BARBARA ROBERTS  
Secretary of State

BILL RUTHERFORD  
State Treasurer

RP 3701  
Schnitzer Steel Products Co.  
ATTN: Dori Schnitzer  
3200 NW Yeon Avenue  
Portland, OR 97210

Your Removal-Fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do any additional work or have a change in your original plans, please complete the attached application and submit it, with the appropriate maps and/or drawings, to our office.

Please return this letter, indicating the action you wish to be taken.  
If there are any questions regarding the permit program or this renewal, please call the Environmental Permits Section at 378-3059.

Sincerely,

*Juan M. Payne*

*for* Marge Akers  
Waterway Permit Specialist

MA:sp

Enclosures

-----  
PLEASE RESPOND BY: March 4, 1987

\_\_\_\_ Do Not  
Renew  
This Permit

☒ Please Renew  
This Permit  
(Fee Enclosed)

Permit No.: RP 3701  
Waterway: Willamette R.  
Expiration Date: 04/30/87  
Fee: \$100.00

RECEIVED  
FEB 11 1987

DIVISION OF STATE LANDS  
REMITTANCE \$ 100.00

SCHN00318971

Division of State Lands  
1600 State Street  
Salem, OR 97310  
Phone: 378-3059  
378-3805

Permit No. 3701 Renewal  
Permit Type Removal  
Waterway Willamette River  
County Multnomah County  
Expiration Date April 30, 1992  
PN 004712

SCHNITZER STEEL PRODUCTS COMPANY

IS AUTHORIZED IN ACCORDANCE WITH ORS 541.605 TO 541.695 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

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Ed Zajonc, Director  
Oregon Division of State Lands

/s/ Earle A. Johnson

Authorized Signature

March 31, 1987

Date Issued

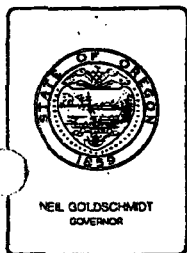
SCHN00318972

ATTACHMENT A

Special Conditions for Material Removal Permit No. 3701

1. This permit authorizes the removal of up to 10,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, miles 3.6 to 4.0) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
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4. Turbid waste waters from the project shall not be allowed to re-enter the waterway.
5. There shall be no removal in the permit area between February 1 and May 15 nor between September 1 and September 30.
6. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
7. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

March 31, 1987



## Division of State Lands

1600 STATE STREET SALEM, OREGON 97310 PHONE (503) 378-3805

OREGON STATE  
LAND BOARD

NEIL GOLDSCHMIDT  
Governor

BARBARA ROBERTS  
Secretary of State

ANTHONY MEEKER  
State Treasurer

FEBRUARY 8, 1988

RP 3701  
Schnitzer Steel Products Co.  
3200 NW Yeon Avenue  
Portland, OR 97210

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee on or before the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call the Environmental Permit Section at 378-3059.

Sincerely,

*Reina M. Hobbs Sanders*

for: Elizabeth J. Mitchell  
Permit Specialist

EM:ls

**RECEIVED**  
FEB 11 1988

**DIVISION OF STATE LANDS**  
REMITTANCE \$100.00

-----  
PLEASE RESPOND BY: FEBRUARY 29, 1988

Permit No.: RP 3701  
Waterway: Willamette R.  
Expiration Date: 04/30/92  
Fee: \$100.00

SCHN00318974





## Division of State Lands

1600 STATE STREET SALEM, OREGON 97310 PHONE (503) 378-3805

February 13, 1989

OREGON STATE  
LAND BOARD

NEIL GOLDSCHMIDT  
Governor

BARBARA ROBERTS  
Secretary of State


ANTHONY MEEKER  
State Treasurer

RP 3701  
Schnitzer Steel Products Co.  
3200 NW Yeon Avenue  
Portland, OR 97210

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If you have any questions regarding the permit program or this billing letter, please call the Environmental Permit Section at 378-3059.

Sincerely,

  
Lorna M. Hobbs-Sanders  
Permit Specialist

LHS/cre

---

PLEASE RESPOND BY: February 28, 1989

Permit No.: RP 3701  
Waterway: Willamette R.  
Expiration Date: 04/30/92  
Fee: \$100.00

SCHN00318975



## Division of State Lands

775 SUMMER STREET, SALEM, OREGON 97310 PHONE (503) 378-3805

February 26, 1990

OREGON STATE  
LAND BOARD

NEIL GOLDSCHMIDT  
Governor

BARBARA ROBERTS  
Secretary of State

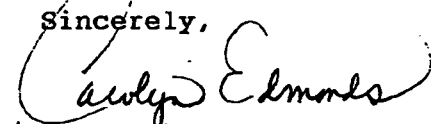
ANTHONY MEEKER  
State Treasurer

RP 3701  
ATTN: Dori Schnitzer  
Schnitzer Steel Products Co.  
3200 NW Yeon Avenue  
Portland, OR 97210

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee on or before the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call the Environmental Permits Section at 378-3059.

Sincerely,



Marge Akers  
Permits Issuance Supervisor

MA/cre  
Enclosures

-----  
PLEASE RESPOND BY: MARCH 9, 1990

Permit No.: RP 3701  
Waterway: Willamette R.  
Expiration Date: 4/30/92  
Fee: \$150.00

SCHN00318976

# Oregon

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## DIVISION OF STATE LANDS

---

February 15, 1991

RP 3701  
ATTN: Dori Schnitzer  
Schnitzer Steel Products Co.  
3200 NW Yeon Avenue  
Portland, OR 97210

STATE LAND BOARD  
BARBARA ROBERTS  
Governor  
PHIL KEISLING  
Secretary of State  
ANTHONY MEEKER  
State Treasurer

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee on or before the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call the Environmental Planning and Permits Section at 378-3805.

---

PLEASE RESPOND BY: March 4, 1991

Permit No.: RP 3701  
Waterway: Willamette R.  
Expiration Date: 4/30/92  
Fee: \$150.00



775 Summer Street NE  
Salem, OR 97310  
(503) 378-3805  
FAX (503) 378-4844

SCHN00318977

# Oregon

## DIVISION OF STATE LANDS

February 6, 1992

RP 3701  
ATTN: Dori Schnitzer  
Schnitzer Steel Products Co.  
3200 NW Yeon Avenue  
Portland, OR 97210

### STATE LAND BOARD

BARBARA ROBERTS  
Governor  
PHIL KEISLING  
Secretary of State  
ANTHONY MEEKER  
State Treasurer

Your removal-fill permit is due to expire soon. If you wish to continue the activity outlined in the permit, it will be necessary to renew the permit within the next few weeks. If you plan to do any additional work or have a change in your original plans, please complete the enclosed application and submit it, with the appropriate maps and/or drawings, to our office.

Please return this letter, indicating the action you wish to be taken. If there are any questions regarding the permit program or this renewal, please call the Environmental Planning and Permits Section at 378-3805.

-----  
PLEASE RESPOND BY: February 27, 1992

\_\_\_\_\_ Do not renew  
(     ) Project completed     (     ) Project withdrawn

\_\_\_\_\_ Please renew (fee enclosed)

Permit No.:            RP 3701  
Waterway:            Willamette R.  
Expiration Date:    4/30/92  
Fee:                    \$150.00

**NOTE:** If we have not received a response to this letter within 30 days of the expiration date noted above, we will consider the project complete and close the file.



775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844

SCHN00318978

# SCHNITZER STEEL PRODUCTS CO.

INTERNATIONAL TERMINALS OPERATIONS  
12005 N. Burgard, Portland, OR 97203 (503) 286-5771

February 12, 1992

Environmental Planning  
and Permit Section  
OREGON DIVISION OF STATE LANDS  
775 Summer Street NE  
Salem, Oregon 97310-1337

To Whom It May Concern:

Enclosed please find our check in the amount of \$150.00 to cover the renewal fee associated with permit # RP 3701. Could you also send a copy of the permit itself, as I find my files without that document. It would also cut down on the time it takes for information to get from you to me if you would correct your files to reflect as the contact person for Schnitzer Steel Products Co., me, Stan Burton, Terminal Manager, International Terminals/Schnitzer Steel Products Co., 12005 N. Burgard, Portland, Oregon 97203. We would much appreciate if you could make this change with regard to RP 1055 and RP 3294 as well. Thanking you in advance for your cooperation, I remain

Very truly yours,



Stan Burton  
Terminal Manager

SCHN00318979

Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
378-3805  
378-3059

Permit No.: 3701 - Renewal  
Permit Type: Removal  
Waterway: Willamette River  
County: Multnomah County  
Expiration Date: May 11, 1993

**SCHNITZER STEEL PRODUCTS COMPANY**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Division of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Division of State Lands, Waterway Leasing Office, 378-3805.

Janet C. Neuman, Director  
Oregon Division of State Lands

*Marge Akers*

Authorized Signature

May 11, 1992

Date Issued

SCHN00318980

## ATTACHMENT A

### Special Conditions for Material Removal Permit No. 3701

1. This permit authorizes the removal of up to 10,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, miles 3.6 to 4.0) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Work in the waterway shall be done so as to minimize turbidity increases in the water that would degrade water quality and damage aquatic life. Turbidity shall not exceed 10% above natural stream turbidities, except as allowed by OAR 340-41.
3. Petroleum products, chemicals, or other deleterious materials shall not be allowed to enter the water.
4. Waste materials and spoils shall be placed above the bankline in an approved upland disposal site and not in any wetland areas. Upland disposal shall comply with Multnomah County's floodplain management regulations (Matt Spangler, phone: 248-3833).
5. Turbid waste waters from the project shall not be allowed to re-enter the waterway.
6. There shall be no removal in the permit area between February 1 and May 15.
7. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
8. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

May 11, 1992

# SCHNITZER STEEL PRODUCTS CO.

INTERNATIONAL TERMINALS OPERATIONS  
12005 N. Burgard, Portland, OR 97203 (503) 286-5771



September 10, 1992

Marge Akers  
OREGON DIVISION OF STATE LANDS  
775 Summer Street, NE  
Salem, Oregon 97310-4844

Re: Dredge permits #3294 & #3701

Dear Marge:

I have today filed with the Corps of Engineers' Judy Linton, renewal applications for both of the above permits. Copies are included for your uses as well as a check for the D.S.L. renewal of #3294. Permit # 3701 is good until May 11, 1993. However, your office requested that I submit a revised application so that you could issue a 5 year permit.

When I sought sign off, as the new application calls for, from the City of Portland, they allowed as how these two permits probably should be treated as one since they are adjacent to each other (one merely a continuation of the other) and are in the same tax lot with the identical legal description. In fact they only charged me one fee for the both. When I spoke with Judy Linton, she agreed that there was no real reason for keeping them separate. In as much as the 10,000 cy/year maximum for a regional permit ( x 5yrs = 50,000 ) is adequate for the two berths, I was comfortable reducing my 30,000 cy/permit request. She said that she would be speaking with you about whether this idea of consolidation would present any problems for D.S.L. If you any questions that I may be able to answer, please feel free to contact me. Thanks for your help in these matters.

Sincerely,

*Stan*

Stan Burton  
Terminal Manager  
International Terminals

cc: Judy Linton  
encl.

*Renewal RECEIVED*  
*SEP 14 1992*  
*150.00*

SCHN00318982



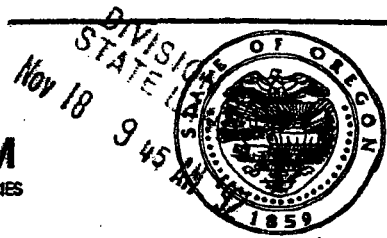


U S Army Corps  
of Engineers  
Portland District

JOINT

# PERMIT APPLICATION FORM

THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES



AGENCIES WILL ASSIGN NUMBERS

Corps Action ID Number 199200812

Oregon Division of State Lands Number RP 3901

Date Received SEP 10 1992

Date Received

District Engineer  
ATTN: CENPP-PE-RP  
P O Box 2946  
Portland, OR 97208-2946  
503/326-7730

State of Oregon  
Division of State Lands  
775 Summer Street NE  
Salem OR 97310  
503/378-3805

① Applicant Name Schnitzer Steel Products Co.  
and Address c/o Stan Burton, International Terminals  
12005 N. Burgard, Portland, Oregon 97203

business phone # (503) 286-6907

home phone #

☒ Authorized Agent Stan Burton (as above)  
☐ Contractor  
Name and Address

business phone #

home phone #

Property Owner Schnitzer Investment Corp., c/o Stan Burton  
(if different than applicant) International Terminals,  
Name and Address 12005 N. Burgard, Portland, Oregon 97203

business phone # (503) 286-6907

home phone #

## PROJECT LOCATION

Street, Road or other descriptive location International Terminals 12005 N. Burgard		Legal Description			
		Quarter 1819	Section 35	Township 2N 1W	Range
In or Near (City or Town) Portland	County Multnomah	Tax Map #	Tax Lot # 71		
Waterway Willamette	River Mile 3.6 - 4.1	Latitude 45° 36' 30"	Longitude 122° 46' 50"		

Is consent to enter property granted to the Corps and the Division of State Lands? ☒ Yes ☐ No

## ③ PROPOSED PROJECT INFORMATION

Activity Type: ☐ Fill ☐ Excavation (removal) ☐ In-Water Structure ☒ Maintain/Repair an Existing Structure  
Maintenance Dredging

Brief Description:

Fill will involve \_\_\_\_\_ cubic yards annually and/or \_\_\_\_\_ cubic yards for the total project

Fill will be ☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organics ☐ Other

Fill Impact Area is \_\_\_\_\_ Acres; \_\_\_\_\_ length; \_\_\_\_\_ width; \_\_\_\_\_ depth

Removal will involve up to 10,000 cubic yards annually and/or 50,000 cubic yards for the total project

Removal will be ☐ Riprap ☐ Rock ☐ Gravel ☒ Sand ☒ Silt ☐ Clay ☐ Organics ☐ Other

Removal Impact Area is \_\_\_\_\_ Acres; \_\_\_\_\_ length; \_\_\_\_\_ width; \_\_\_\_\_ depth

Estimated Start Date October, 1992 Estimated Completion Date October, 1997

Will any material, construction debris, runoff, etc. enter a wetland or waterway? ☐ Yes ☒ No

If yes, describe the type of discharge and show the discharge location on the site plan.

SCHN00318983

④

**PROPOSED PROJECT PURPOSE & DESCRIPTION**

Project Purpose and Need: To increase and maintain depth of water to -36 ft below 0 datum in approaches and alongside vessel berth #4 and berth #5

Project Description: Dredge and remove sand/silt by clamshell to be loaded on barge and transported to upland disposal site (Ross Island disposal site)

How many project drawing sheets are included with this application? 3

NOTE: A complete application must include drawings and a location map submitted on separate 8 1/2 X 11 sheets.

⑤

**PROJECT IMPACTS AND ALTERNATIVES**

Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland.

Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland.

NOTE: If necessary, use additional sheets.

⑥

**MISCELLANEOUS INFORMATION**

Adjoining Property Owners and Their Addresses and Phone Numbers  
Port of Portland, 11040 N. Lombard, Portland, Oregon 97203 231-5000

Container Corp. Of America, 12005 N. Burgard Rd., Portland, Oregon 97203 286-4411

all other approvals or certificates received, applied for, or denied that are related to this application.

Issuing Agency	Type of Approval	Identification Number	Dates of application / Approval / Denial
C.O.E.	Renewal	071-OYA-1-005733	3/4/85 1/17/86
D.S.L.	Renewal	3294	10/21/87

SCHN00318984

⑦

**CITY / COUNTY PLANNING DEPARTMENT AFFIDAVIT**  
(to be completed by local planning official)

- ☐ This project is not regulated by the local comprehensive plan and zoning ordinance.
- ☒ This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.
- ☐ This project has been reviewed and is not consistent with the local comprehensive plan and zoning ordinance.
- ☐ Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:

- ☐ Condition Use Approval ☐ Development Permit
- ☐ Plan Amendment ☐ Zone Change
- ☐ Other By SM Date 9/10/92

**City of Portland**  
**Bureau of Planning**  
**Approval For Building Permit**

An application ☐ has ☒ purposes seen made for local approvals checked above.

Susan H. McKinney  
Signature (of local planning official)

City Planner  
Title

Portland  
City / County

9/10/92  
Date

⑧

**COASTAL ZONE CERTIFICATION**

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement which will be forwarded to the Oregon Department of Land Conservation and Development for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 1175 Court Street NE, Salem, Oregon 97310 or call 503/373-0050.

**Certification Statement**

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

⑨

**SIGNATURE FOR JOINT APPLICATION**  
**(REQUIRED)**

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that local permits may be required before the state removal-fill permit is issued. I understand that payment of the required state processing fee does not guarantee permit issuance.

Stan Burton  
Applicant Signature

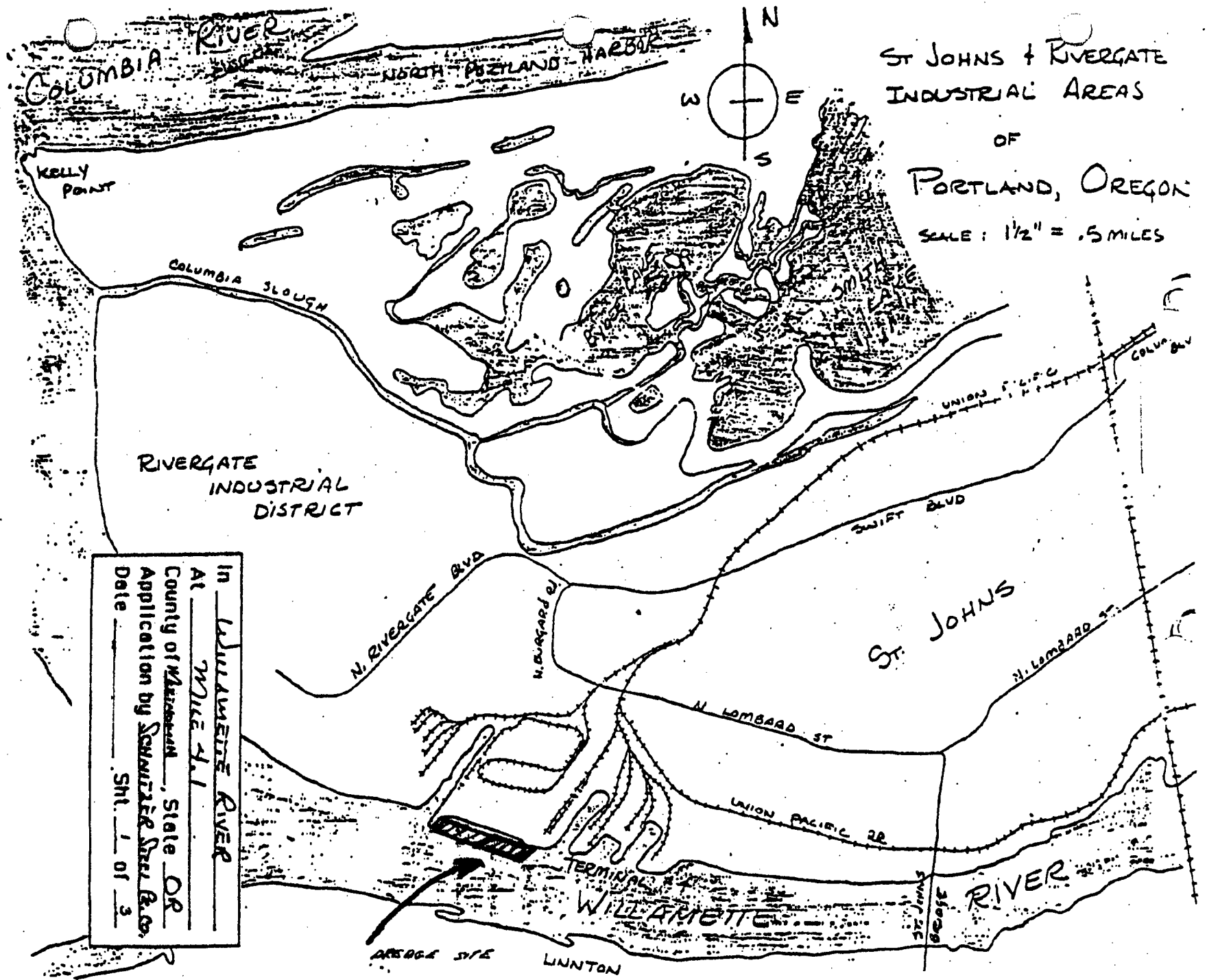
9/9/92  
Date

☐ I certify that I may act as the duly authorized agent of the applicant.

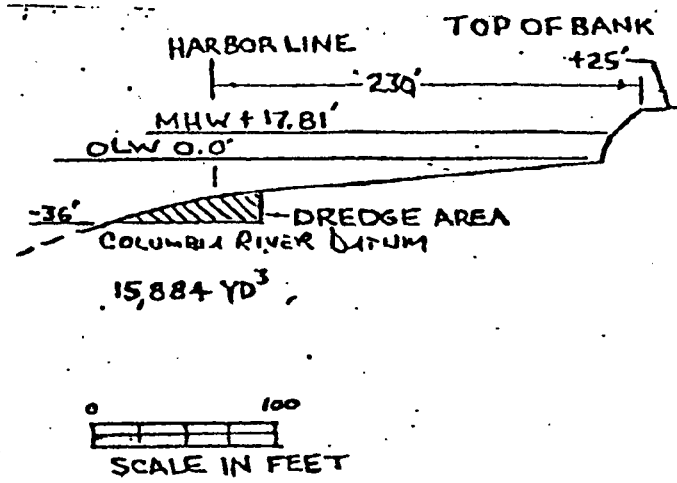
Stan Burton  
Authorized Agent Signature

9/9/92  
Date

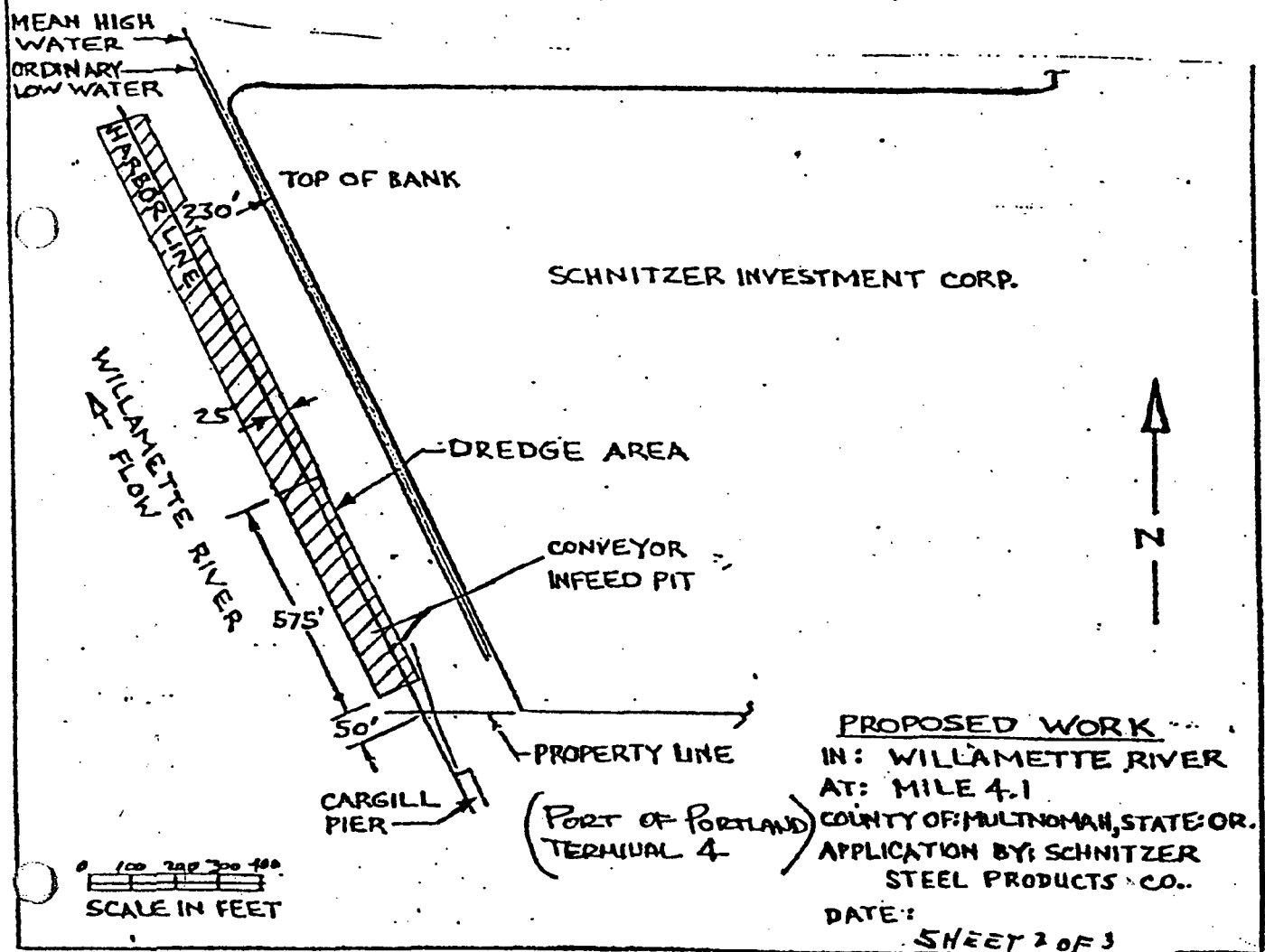
SCHN00318985



SCHN00318986



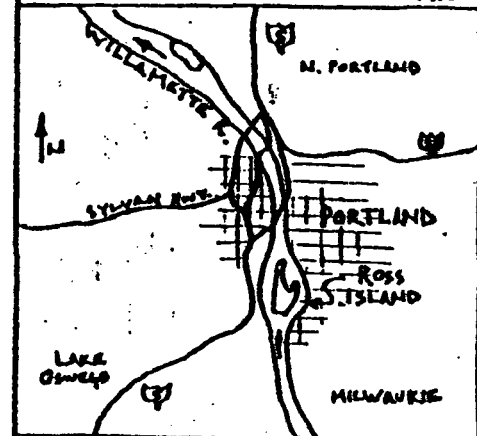
CONTAINER CORP.  
OF AMERICA.



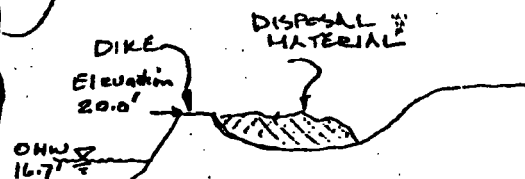
# ROSS ISLAND DISPOSAL AREA

## VICINITY MAP

N.T.S.



HATCHED AREA INDICATES UPLAND DISPOSAL SITE



## TYPICAL CROSS-SECTION OF DISPOSAL AREA

Datum: C.R.D.

ORDINARY HIGH WATER: 16.7 at R.M. 14.1

ORDINARY LOW WATER: 1.9 at R.M. 14.1

## MATERIAL DISPOSAL SITE

APPLICANT: Ross Island Sand and Gravel  
4315 S.E. McLoughlin Blvd.  
P.O. Box 02219  
Portland Or., 97202

WATERWAY: Willamette River

RIVER MILE: 14-16

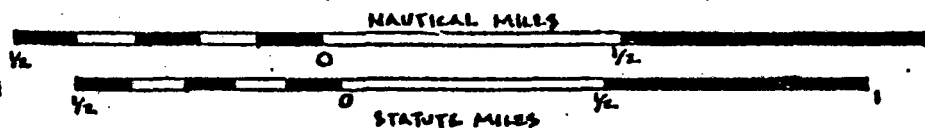
COUNTY: Multnomah

SECTIONS: 10, 15, 22

TOWNSHIP: 15

RANGE: 1 East Willamette

DATE: September 9, 1992



Sheet 3 of 3



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P. O. BOX 2946  
PORTLAND, OREGON 97208-2946

Reply to  
Attention of:

October 14, 1992

*file*

Oct 19 9 20 AM '92  
DIVISION OF  
STATE LANDS

Planning and Engineering Division

SUBJECT: Permit Application ID No: 92-812 - Maintenance Dredging  
Oregon Division of State Lands Application No: RP - 3701

THIS LETTER HAS BEEN SENT TO THE AGENCIES LISTED BELOW:

The attached permit application has been proposed for authorization under Regional Permit No 071-OYA-4-009249. Please review the application under the processing procedures of the regional permit. Your agency's response is due 30-days from the date of this letter.

**NOTES:** The project involves the maintenance dredging of material from Berths 4 and 5; Willamette River miles 3.6 to 4.1. Up to 10,000 cubic yards will be removed annually by clamshell dredge and transported to the Ross Island upland disposal site. Three drawings are enclosed with the application.

If you have any questions regarding this matter, please contact me at the above address or telephone (503) 326-6096.

Sincerely,

*Judy L. Linton*

Judy L. Linton  
Permit Evaluator  
Regulatory and Environmental  
Resource Branch

Enclosure

Agencies:

ODSL  
EPA (Portland)  
USFWS  
NMFS  
DEQ

Copies Furnished:

Schnitzer Steel Products (Stan Burton)

SCHN00318989

LOWER WILLAMETTE RIVER MANAGEMENT PLAN

Project Review Form

Applicant Schatzer Steel

State Permit No. RP 3701

Case ID No. 92-812  
Public Notice No. 071-OYA-4-009249  
Regional Permit No.

Proposed Activity Maintenance Dredging

Zone Development Area Permitted Activity Matrix ☒ yes ☐ no  
Preferred Uses Matrix ☐ yes ☐ no

Zone Guidelines OK ; allowed activity

Policy Provisions:

Water Surface: \_\_\_\_\_

Water Quality and Hydraulics: \_\_\_\_\_

Shoreline: \_\_\_\_\_

Fish and Wildlife: \_\_\_\_\_

Economics: \_\_\_\_\_

☒ Dredging: maintenance

Fills and Structures: \_\_\_\_\_

River Uses: \_\_\_\_\_

Recreation: \_\_\_\_\_

Public Access: \_\_\_\_\_

Does project conform to the LWRMP? ☒ yes ☐ no

Reviewed by: Marge Akers Date: 2-4-93



Division of State Lands  
775 Summer Street NE  
Salem, OR 97310  
378-3805  
378-3059

Permit No.: 3701 - Revision / Renewal  
Permit Type: Removal  
Waterway: Willamette River  
County: Multnomah County  
Expiration Date: May 11, 1998

**SCHNITZER STEEL PRODUCTS COMPANY**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Division of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Division of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Division of State Lands, Waterway Leasing Office, 378-3805.

Gary Gustafson, Director  
Oregon Division of State Lands

Marg Akers  
Authorized Signature

February 8, 1993  
Date Issued

SCHN00318991

## ATTACHMENT A

### Special Conditions for Material Removal Permit No. 3701

1. This permit authorizes the removal of up to 10,000 cubic yards of material in Section 35, T2N, R1W (Willamette River, miles 3.6 to 4.1) for maintenance dredging purposes as outlined in the attached permit application, map and drawings.
2. Work in the waterway shall be done so as to minimize turbidity increases in the water that would degrade water quality and damage aquatic life. Turbidity shall not exceed 10% above natural stream turbidities, except as allowed by OAR 340-41.
3. Petroleum products, chemicals, or other deleterious materials shall not be allowed to enter the water.
4. Waste materials and spoils shall be placed above the bankline in an approved upland disposal site and not in any wetland areas. Upland disposal shall comply with Multnomah County's floodplain management regulations.
5. Turbid waste waters from the project shall not be allowed to re-enter the waterway.
6. There shall be no removal in the permit area between February 1 and May 15.
7. Material shall not be removed to a depth greater than -35 feet Mean Sea Level.
8. Slopes created by the removal activities shall be no steeper than 3 feet horizontal to 1 foot vertical.
9. The Division of State Lands retains the authority to temporarily halt or modify the project in case of excessive turbidity or damage to natural resources.

February 8, 1993

*file*

# Oregon

DIVISION OF  
STATE LANDS

March 4, 1994

RP 3701  
ATTN: Stan Burton  
Schnitzer Steel Products Co.  
12005 N. Burgard  
Portland, OR 97203

STATE LAND BOARD

BARBARA ROBERTS  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee by April 4, 1994 or by the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call Field Operations at 378-3805 ext. 0.

Permit No.: RP 3701  
Waterway: Willamette R.  
Expiration Date: 5/11/98  
Fee: \$150.00

RECEIVED

MAR 14 1994

DIVISION OF STATE LANDS  
REMITTANCE \$

150.00



775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844

SCHN00318993

# Oregon



**DIVISION OF  
STATE LANDS**

**STATE LAND BOARD**

JOHN A. KITZHABER  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844  
TTY (503) 378-4615

March 8, 1995

RP 3701  
ATTN: Stan Burton  
Schnitzer Steel Products Co.  
12005 N. Burgard  
Portland, OR 97203

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee by April 5, 1995 or by the anniversary date listed below.

If you have any questions regarding the permit program or this billing letter, please call Field Operations at 378-3805 ext. 0.

Permit No.:	RP 3701
Waterway:	Willamette R.
Expiration Date:	5/11/98
Fee:	\$150.00

SCHN00318994

# INTERNATIONAL TERMINA

SCHNITZER STEEL PRODUCTS CO.  
12005 N. Burgard, Portland, OR 97203 (503) 286-6934



March 17, 1995

OREGON DIVISION OF STATE LANDS  
775 Summer Street NE  
Salem, OR 97310-13373

Enclosed is the check for \$150 for the multi-year permit  
#RP 3701.

If there are any questions please call 503-286-6934.

Sincerely,

Stan Burton  
Vice President Terminal Operations

RECEIVED

MAR 20 1995

DIVISION OF STATE LANDS  
REMITTANCE \$

150.00

*pull card update &  
update system and repile*

SCHN00318995

# Oregon



DIVISION OF  
STATE LANDS

April 2, 1997

RP 3701  
ATTN: Stan Burton  
Schnitzer Steel Products Co.  
12005 N. Burgard  
Portland, OR 97203

STATE LAND BOARD

JOHN A. KITZHABER  
Governor

PHIL KEISLING  
Secretary of State

JIM HILL  
State Treasurer

775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805

FAX (503) 378-4844  
TTY (503) 378-4615

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee by April 21, 1997.

If you have any questions regarding the permit program or this billing letter, please call Mindy Manley, 378-3805, extension 275.

Permit No.: RP 3701  
Waterway: Willamette R.  
Expiration Date: 5/11/98  
Fee: \$150.00

wppermit:113

SCHN00318996

# Oregon



**DIVISION OF  
STATE LANDS**

**STATE LAND BOARD**

**JOHN A. KITZHABER**  
Governor

**PHIL KEISLING**  
Secretary of State

**JIM HILL**  
State Treasurer

775 Summer Street NE  
Salem, OR 97310-1337  
(503) 378-3805  
FAX (503) 378-4844  
TTY (503) 378-4615

April 17, 1997

RP 3701  
ATTN: TIM TODD  
SCHNITZER STEEL PRODUCTS CO  
PO BOX 10047  
PORTLAND OR 97296-0047

The annual anniversary date of your multi-year permit is near. It is necessary to bill annually for the permit fee on or before the anniversary date of issuance for each year of the multi-year permit. Please return this letter with the appropriate fee by **May 8, 1997**.

If you have any questions regarding the permit program or this billing letter, please call Mindy Manley, 378-3805, extension 275.

Permit No.: RP 3701  
Waterway: Willamette R.  
Expiration Date: 5/11/98  
Fee: \$150.00

wppermit:113

  
**RECEIVED**

**APR 28 1997**

**DIVISION OF STATE LANDS**

150.00

SCHN00318997



# Oregon

John A. Kitzhaber, M.D., Governor

March 10, 1998

## Division of State Lands

775 Summer Street NE

Salem, OR 97310-1337

(503) 378-3805

FAX (503) 378-4844

TTY (503) 378-4615

RP 3701

ATTN: Tim Todd

Schnitzer Steel Products Co.

PO Box 10047

Portland OR 97296-0047

RE: Permit No.: RP 3701  
Waterway: Willamette R.  
Expiration Date: 5/11/98

## State Land Board

John A. Kitzhaber  
Governor

Phil Keisling  
Secretary of State

Jim Hill  
State Treasurer

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. However, an **updated application must be submitted!** If you plan to do any additional work or have a change in your original plan, a new application must be submitted. Enclosed is a blank application and a copy of the current application. Fill in all appropriate information, provide readable and easily photocopied maps showing the project's location and drawings giving both overhead and cross-sectional views of the project. Please make sure the application is complete, paying particular attention to Sections 7, 8 and 9.

Please mark the appropriate box below and return this letter with the updated application and renewal fee, when applicable, to our office by **March 20, 1998**. You may fax your response to the Field Operation Section and send the billing letter, updated application, and payment under separate cover. The division's fax number is 503-378-4844. If you have any questions or need additional applications, please call Tina Wold at 378-3805 ext. 230.

☐ DO NOT RENEW: (please mark one)

☐ The project has been completed

☐ I/We have decided not to do this project

☐ PLEASE RENEW: (Please submit \$150.00)

**NOTE:** If we have NOT received a response to this letter within 30 days of the expiration date noted above, we will consider the project complete and close the file. **HOWEVER**, when applicable, any wetland mitigation requirements including those relating to the monitoring of wetland mitigation, regardless of the status of your permit, continue to be in force as specified by your permit conditions.

WPPERMIT:112

SCHN00318998





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Oregon Fish and Wildlife Office  
2600 S.E. 98th Avenue, Suite 100  
Portland, Oregon 97266  
(503) 231-6179 FAX: (503) 231-6195

JUN 20 2003

Reply To: 8330.04501(03)  
File Name: Sp0450.wpd  
TS Number: 03-3842

June 12, 2003

Kerrie McArthur  
MCS Environmental, Inc.  
6505 216th Street SW, Suite 100  
Mountlake Terrace, WA 98043

Subject: Willamette River Maintenance Dredging Project  
USFWS Reference # (1-7-03-SP-0450)

Dear Ms. McArthur:

This is in response to your letter, dated May 30, 2003, requesting information on listed and proposed endangered and threatened species that may be present within the area of the Willamette River Maintenance Dredging Project in Multnomah County. The U.S. Fish and Wildlife Service (Service) received your correspondence on May 30, 2003.

We have attached a list (Attachment A) of threatened and endangered species that may occur within the area of the Willamette River Maintenance Dredging Project. The list fulfills the requirement of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). U.S. Army Corps of Engineers (COE) requirements under the Act are outlined in Attachment B.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems on which they depend may be conserved. Under section 7(a)(1) and 7(a)(2) of the Act and pursuant to 50 CFR 402 *et seq.*, COE is required to utilize their authorities to carry out programs which further species conservation and to determine whether projects may affect threatened and endangered species, and/or critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) which are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA) (42 U.S.C. 4332 (2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to the Biological Assessment be prepared to determine whether they may affect listed and proposed species. Recommended contents of a Biological Assessment are described in Attachment B, as well as 50 CFR 402.12.

If COE determines, based on the Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, COE is required to consult with the Service following the requirements of 50 CFR 402 which implement the Act.

*Printed on 100% chlorine free/60% post-consumer content paper*

SCHN00319000

Attachment A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published June 13, 2002, in the Federal Register (Vol. 67, No. 114, 40657) and the addition of "species of concern." Candidate species have no protection under the Act but are included for consideration as it is possible candidates could be listed prior to project completion. Species of concern are those taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

If a proposed project may affect only candidate species or species of concern, COE is not required to perform a Biological Assessment or evaluation or consult with the Service. However, the Service recommends addressing potential impacts to these species in order to prevent future conflicts. Therefore, if early evaluation of the project indicates that it is likely to adversely impact a candidate species or species of concern, COE may wish to request technical assistance from this office.

Your interest in endangered species is appreciated. The Service encourages COE to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact Stacy Sroufe at (503) 231-6179. All correspondence should include the above referenced file number. For questions regarding salmon and steelhead trout, please contact National Marine Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232, (503) 230-5400.

Sincerely,



for

Kemper M. McMaster  
State Supervisor

Attachments  
1-7-03-SP-0450

cc: OFWO-ES  
ODFW (nongame)

SCHN00319001

## ATTACHMENT A

FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES,  
CANDIDATE SPECIES AND SPECIES OF CONCERN THAT MAY OCCUR WITHIN THE  
AREA OF THE WILLAMETTE RIVER MAINTENANCE DREDGING PROJECT  
1-7-03-SP-0450

LISTED SPECIES<sup>1/</sup>Birds

Bald eagle <sup>2/</sup>	<i>Haliaeetus leucocephalus</i>	T
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Fish

Steelhead (Upper Willamette River) <sup>3/</sup>	<i>Oncorhynchus mykiss</i>	**T
Steelhead (Lower Columbia River) <sup>4/</sup>	<i>Oncorhynchus mykiss</i>	**T
Chinook salmon (Lower Columbia River) <sup>5/</sup>	<i>Oncorhynchus tshawytscha</i>	**T
Chinook salmon (Upper Willamette River) <sup>5/</sup>	<i>Oncorhynchus tshawytscha</i>	**T

Plants

Golden paintbrush <sup>6/</sup>	<i>Castilleja levisecta</i>	T
Willamette daisy <sup>7/</sup>	<i>Erigeron decumbens</i> var. <i>decumbens</i>	E
Howellia	<i>Howellia aquatilis</i>	T
Bradshaw's lomatium	<i>Lomatium bradshawii</i>	E
Kincaid's lupine <sup>7/</sup>	<i>Lupinus sulphureus</i> var. <i>kincaidii</i>	T
Nelson's checker-mallow	<i>Sidalcea nelsoniana</i>	T

PROPOSED SPECIES

None

CANDIDATE SPECIES<sup>8/</sup>Birds

Yellow-billed cuckoo <sup>9/</sup>	<i>Coccyzus americanus</i>
Streaked horned lark	<i>Eremophila alpestris strigata</i>

Amphibians and Reptiles

Oregon spotted frog	<i>Rana pretiosa</i>
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Fish

Coho salmon (Lower Columbia River) <sup>10/</sup>	<i>Oncorhynchus kisutch</i>	**CF
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SPECIES OF CONCERNMammals

Pacific western big-eared bat	<i>Corynorhinus (=Plecotus) townsendii townsendii</i>
Silver-haired bat	<i>Lasionycteris noctivagans</i>
Long-eared myotis (bat)	<i>Myotis evotis</i>
Fringed myotis (bat)	<i>Myotis thysanodes</i>
Long-legged myotis (bat)	<i>Myotis volans</i>
Yuma myotis (bat)	<i>Myotis yumanensis</i>
Camas pocket gopher	<i>Thomomys bulbivorus</i>

### Birds

Tricolored blackbird  
Olive-sided flycatcher  
Yellow-breasted chat  
Lewis' woodpecker  
Oregon vesper sparrow  
Purple martin

*Agelaius tricolor*  
*Contopus cooperi* (=borealis)  
*Icteria virens*  
*Melanerpes lewis*  
*Poocetes gramineus affinis*  
*Progne subis*

### Amphibians and Reptiles

Northwestern pond turtle  
Northern red-legged frog

*Emys* (=Clemmys) *marmorata marmorata*  
*Rana aurora aurora*

### Fish

Green sturgeon  
River lamprey  
Pacific lamprey  
Coastal cutthroat trout (Upper Willamette)

*Acipenser medirostris*  
*Lampetra ayresi*  
*Lampetra tridentata*  
*Oncorhynchus clarki clarki*

### Invertebrates

California floater (mussel)  
Columbia pebblesnail

*Anodonta californiensis*  
*Fluminicola fuscus*

### Plants

White top aster  
Pale larkspur  
Peacock larkspur

*Aster curtus*  
*Delphinium leucophaeum*  
*Delphinium pavonaceum*

(E) - Listed Endangered

(T) - Listed Threatened

(CH) - Critical Habitat has been designated for this species

(PE) - Proposed Endangered

(PT) - Proposed Threatened

(PCH) - Critical Habitat has been proposed for this species

(S) - Suspected

(D) - Documented

Species of Concern - Taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

(CF) - Candidate: National Marine Fisheries Service designation for any species being considered by the Secretary for listing for endangered or threatened species, but not yet the subject of a proposed rule.

\*\* Consultation with National Marine Fisheries Service may be required.

<sup>1</sup> U. S. Department of Interior, Fish and Wildlife Service, October 31, 2000, Endangered and Threatened Wildlife and Plants, 50 CFR 17.11 and 17.12

<sup>2</sup> Federal Register Vol. 60, No. 133, July 12, 1995 - Final Rule - Bald Eagle

<sup>3</sup> Federal Register Vol. 64, No. 57, March 25, 1999, Final Rule - Middle Columbia and Upper Willamette River Steelhead

<sup>4</sup> Federal Register Vol. 63, No. 53, March 19, 1998, Final Rule-West Coast Steelhead

<sup>5</sup> Federal Register Vol. 64, No. 56, March 24, 1999, Final Rule - West Coast Chinook Salmon

<sup>6</sup> Federal Register Vol. 62, No. 112, June 11, 1997, Final Rule-Castilleja levisecta

<sup>7</sup> Federal Register Vol. 65, No. 16, January 25, 2000, Final Rule-Erigeron decumbens var. decumbens, Lupinus sulphureus ssp. kincaidii and Fender's blue butterfly

<sup>8</sup> Federal Register Vol. 67, No. 114, June 13, 2002, Notice of Review - Candidate or Proposed Animals and Plants

<sup>9</sup> Federal Register Vol. 66, No. 143, July 25, 2001, 12-Month Finding for a Petition To List the Yellow-billed Cuckoo

<sup>10</sup> Federal Register Vol. 62, No. 87, May 6, 1997, Final Rule-Coho Salmon

ATTACHMENT B

FEDERAL AGENCIES RESPONSIBILITIES UNDER SECTION 7(a) and (c)  
OF THE ENDANGERED SPECIES ACT

**SECTION 7(a)-Consultation/Conference**

Requires:

- 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;
- 2) Consultation with FWS when a Federal action may affect a listed endangered or threatened species to insure that any action authorized, funded or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of Critical Habitat. The process is initiated by the Federal agency after they have determined if their action may affect (adversely or beneficially) a listed species; and
- 3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed Critical Habitat.

**SECTION 7(c)-Biological Assessment for Major Construction Projects<sup>1</sup>**

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify proposed and/or listed species which are/is likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the species list should be informally verified with our Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should: (1) conduct an on-site inspection of the area to be affected by the proposal which may include a detailed survey of the area to determine if the species is present and whether suitable habitat exists for either expanding the existing population or for potential reintroduction of the species; (2) review literature and scientific data to determine species distribution, habitat needs, and other biological requirements; (3) interview experts including those within FWS, National Marine Fisheries Service, State conservation departments, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of cumulative effects of the proposal on the species and its habitat; (5) analyze alternative actions that may provide conservation measures and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not a listed species will be affected. Upon completion, the report should be forwarded to our Portland Office.

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<sup>1</sup>A construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332. (2)(c)). On projects other than construction, it is suggested that a biological evaluation similar to the biological assessment be undertaken to conserve species influenced by the Endangered Species Act.



**Photo 1 View: Southwest - Along Slips 4 and 5**



**Photo 2 View: Southeast - Far End of Slips 4 and 5 Dredged Area**

## **ASSESSMENT OF ESSENTIAL FISH HABITAT FOR THE INTERNATIONAL TERMINALS (BERTHS 4 AND 5) MAINTENANCE DREDGING PROJECT**

### **ACTION AGENCY**

US Army Corps of Engineers, Portland District

### **LOCATION**

In the International Terminals site, berths 4 and 5 within Willamette River, Portland, Oregon

### **PROJECT NAME**

International Terminals (Berths 4 and 5) Maintenance Dredging

### **ESSENTIAL FISH HABITAT BACKGROUND**

The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires federal agencies to consult with the National Marine Fisheries Service (NMFS) on activities that may adversely affect Essential Fish Habitat (EFH). EFH is defined as those waters and substrates necessary to fish for spawning, breeding, feeding, or growth to maturity. "Waters" include aquatic areas—and their associated physical, chemical, and biological properties—that are used by fish, and may include aquatic areas historically used by fish, where appropriate. "Substrates" include sediment, hard bottom, structures underlying the waters, and associated biological communities (NMFS 1999).

The objective of this EFH assessment is to determine whether or not the proposed action "may adversely affect" designated EFH for relevant federally managed commercial fisheries species within the proposed action area. It also describes conservation measures proposed to avoid, minimize, or otherwise offset potential adverse effects on designated EFH resulting from the proposed action.

### **IDENTIFICATION OF EFH**

Fish species that have designated EFH in the Willamette River are listed in Table 1. Some or all of these species may occur in the project area. Refer to the relevant EFH designations (Casillas et al. 1998; PFMC 1998a, 1998b, 1999) for life history stages of these species that may occur in the project vicinity. Assessment of the impacts on these species' EFH from the proposed project is based on this information.

## DETAILED DESCRIPTION OF THE PROPOSED PROJECT

SSI proposes to conduct maintenance dredging of Berths 4 and 5 at the International Terminals site to maintain safe navigation access and berthing for the docks by periodic maintenance dredging as needed. The project involves dredging the area to a maximum depth of -36 feet and -42 feet Columbia River Datum (CRD) (Figures 2 and 3). The proposed dredge footprint covers about 6.6 acres, with a maximum width of 220 feet. The initial dredge volume associated with the proposed dredge prism is 61,000 cy. SSI proposes to dredge another 40,000 cy as needed for ongoing maintenance (e.g., 20,000 cy every other year on average in years two through five). Dredging will be by clamshell bucket, with transport to approved upland facilities or locations by barge, truck or rail.

## POTENTIAL ADVERSE EFFECTS OF PROPOSED PROJECT

The International Terminals berth 4 and 5 maintenance dredging potentially could adversely affect EFH for groundfish, coastal pelagic, and salmonid species by temporarily altering subtidal habitat. Dredging would potentially adversely affect EFH by creating temporary increases in turbidity and would temporarily eliminate nonmobile benthic and epibenthic food sources within the dredge footprint.

Coastal pelagic species are not expected to occur in the action area. Few, if any species of groundfish are in the action area. Salmonid species, particularly juveniles may occur in the project area at any time of the year. However, direct adverse effects on these species are not expected because in-water construction would be timed to avoid periods when large numbers of juvenile salmon are present.

Construction is not expected to adversely affect spawning, rearing, and feeding habitat for salmonids using the Willamette River.

The project actions described above have the potential to adversely affect the EFH of managed species, but these effects should be very localized and not reduce the overall value of the EFH to these managed species. Following completion of the project, the disturbed areas would be recolonized and the benthic and epibenthic communities should return to conditions similar to those before project construction.

## CONSERVATION MEASURES

Potential adverse effects of the proposed project would be avoided and minimized by implementing the conservation measures specified in the BE (see Section 2.3) as follows:

- ◆ Performing in-water work only when juvenile salmonids are not likely to be present.



- ◆ Use of best management practices during maintenance dredging as outlined in NMFS (2002) and the Corps Nationwide Permit;
- ◆ Providing one foot of advance maintenance (already accounted for in the maximum proposed dredge depths) to reduce to the extent practicable the frequency of maintenance dredging.

## CONCLUSION

As described above, the proposed activities may result in temporary, localized adverse impacts on certain EFH parameters. Implementing the above conservation measures will reduce or eliminate this temporary impact. Therefore, we conclude that the proposed project **may effect, not likely to adversely affect** designated groundfish, coastal pelagic, and salmonid EFH. However, we anticipate that implementing the above-listed conservation measures and other considerations outlined in Sections 2.0 and 3.0 of the BA will avoid, minimize, or otherwise offset potential adverse effects on designated groundfish and salmonid EFH in the proposed action area. Therefore, we conclude that, with the implementation of these measures, the proposed activities are not likely to adversely affect any identified EFH in the area.

## REFERENCES

- Casillas, E., L. Crockett, Y. deReynier, J. Glock, M. Helvey, B. Meyer, C. Schmitt, M. Yoklavich, A. Bailey, B. Chao, B. Johnson, and T. Pepperell. 1998. *Essential Fish Habitat, West Coast Groundfish, Appendix*. Seattle, WA: National Marine Fisheries Service.
- Farr, R.A. and D.L. Ward. 1992. Fishes of the Lower Willamette River near Portland, Oregon. In D.L. Ward, editor. *Effects of Waterway Development on Anadromous and Resident Fish in Portland Harbor, Final Report of Research*. Clackamas, OR: Oregon Department of Fish and Wildlife.
- NMFS (National Marine Fisheries Service). 2002. *Programmatic Biological Opinion: Standard Local Operating Procedures for Endangered Species (SLOPES) for Certain Activities Requiring Department of Army Permits in Oregon and the North Shore of the Columbia River*. Seattle, WA; NMFS, Northwest Region.  
<<https://www.nwp.usace.army.mil/op/g/notices/bo.pdf>>
- NMFS (National Marine Fisheries Service). 1999. *Essential Fish Habitat Consultation Guidance*. Silver Spring, Maryland : Office of Habitat Conservation, National Marine Fisheries Service.
- PFMC (Pacific Fishery Management Council). 1998a. *Final Environmental Assessment/Regulatory Review for Amendment 11 to the Pacific Coast Groundfish Fishery Management Plan (October 1998)*. Portland, Oregon: PFMC.
- PFMC (Pacific Fishery Management Council). 1998b. *The Coastal Pelagic Species Fishery Management Plan: Amendment 8 (December 1998)*. Portland, Oregon: PFMC.
- PFMC (Pacific Fishery Management Council). 1999. *Amendment 14 to the Pacific Coast Salmon Plan. Appendix A: Description and Identification of Essential Fish Habitat, Adverse Impacts and Recommended Conservation Measures for Salmon (August 1999)*. Portland, Oregon: PFMC.

**Table 1 - Species of Fish with Designated EFH in the Action Area<sup>1</sup>**

<b>Groundfish Species</b>	shortspine thornyhead, <i>Sebastolobus alascanus</i>
spiny dogfish, <i>Squalus acanthias</i>	cabezon, <i>Scorpaenichthys marmoratus</i>
big skate, <i>Raja binoculata</i>	lingcod, <i>Ophiodon elongatus</i>
California skate, <i>R. inornata</i>	kelp greenling, <i>Hexagrammos decagrammus</i>
longnose skate, <i>R. rhina</i>	sablefish, <i>Anoplopoma fimbria</i>
spotted ratfish, <i>Hydrolagus collieri</i>	jack mackerel, <i>Trachurus symmetricus</i>
Pacific cod, <i>Gadus macrocephalus</i>	Pacific sanddab, <i>Citharichthys sordidus</i>
Pacific hake, <i>Merluccius productus</i>	butter sole, <i>Pleuronectes isolepis</i>
black rockfish, <i>Sebastes melanops</i>	curfin sole, <i>Pleuronichthys decurrens</i>
bocaccio, <i>S. paucispinis</i>	Dover sole, <i>Microstomus pacificus</i>
brown rockfish, <i>S. auriculatus</i>	English sole, <i>Pleuronectes vetulus</i>
canary rockfish, <i>S. pinniger</i>	flathead sole, <i>Hippoglossoides elassodon</i>
China rockfish, <i>S. nebulosus</i>	petrale sole, <i>Eopsetta jordani</i>
copper rockfish, <i>S. caurinus</i>	rex sole, <i>Errex zachirus</i>
darkblotched rockfish, <i>S. crameri</i>	rock sole, <i>Pleuronectes bilineata</i>
greenstriped rockfish, <i>S. elongatus</i>	sand sole, <i>Psettichthys melanostictus</i>
Pacific ocean perch, <i>S. alutus</i>	starry flounder, <i>Platichthys stellatus</i>
quillback rockfish, <i>S. maliger</i>	arrowtooth flounder, <i>Atheresthes stomias</i>
redbanded rockfish, <i>S. babcocki</i>	
redstripe rockfish, <i>S. proriger</i>	<b>Coastal Pelagic Species</b>
rosethorn rockfish, <i>S. helvomaculatus</i>	northern anchovy, <i>Engraulis mordax</i>
rosy rockfish, <i>S. rosaceus</i>	Pacific sardine, <i>Sardinops sagax</i>
rougeye rockfish, <i>S. aleutianus</i>	chub mackerel, <i>Scomber japonicus</i>
sharpchin rockfish, <i>S. zacentrus</i>	market squid, <i>Loligo opalescens</i>
splitnose rockfish, <i>S. diploproa</i>	
stripetail rockfish, <i>S. saxicola</i>	<b>Salmonid Species</b>
tiger rockfish, <i>S. nigrocinctus</i>	chinook salmon, <i>Oncorhynchus tshawytscha</i>
vermillion rockfish, <i>S. miniatus</i>	coho salmon, <i>O. kisutch</i>
yelloweye rockfish, <i>S. ruberrimus</i>	
yellowtail rockfish, <i>S. flavidus</i>	

<sup>1</sup> Highlighted species are known to occur in the Willamette River (Farr and Ward 1992) and may occur in the action area.

**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality**  
**Water Quality 401 Certification**

Corps of Engineers Action ID Number: 199200812  
Oregon Division of State Lands Number: 30895-RP

Notice Issued: July 31, 2003  
Written Comments Due: September 1, 2003

**WHO IS THE APPLICANT:** Schnitzer Investment Corporation

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**WHERE TO FIND DOCUMENTS:** Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

**PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

**Written comments:**

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

SCHN00319011



US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE

## for PERMIT APPLICATION

Issue Date: July 31, 2003

Expiration Date: September 1, 2003

Corps of Engineers Action ID: 199200812

Oregon Division of State Lands Number: 30895-RP

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision.

Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CENWP-OP-GP (Ms. Mary J. Headley)  
P.O. Box 2946  
Portland, Oregon 97208-2946

**Applicant:** Schnitzer Steel Industries, Inc. (Mr. Jim Jakubiak)  
PO Box 10047  
Portland, Oregon 97296-0047

**Location:** Willamette River, River Mile 4.1, Section 35, Township 2 North, Range 1 West, Portland, Multnomah County, Oregon

**Project Description:** Schnitzer Steel Industries, Inc. (SSI) proposes to conduct maintenance dredging of Berths 4 and 5 at the International Terminals slip. The project involves dredging the area to a maximum depth of -42 feet Columbia River Datum (CRD) in Berth 4, and -36 feet CRD in Berth 5 as shown on the attached drawings (Figures 2 and 3). The proposed dredge footprint covers about 6.6 acres with a maximum length of 1,600 feet and maximum width of 220 feet. The proposed dredge footprint lies entirely within the previously permitted dredge area and covers less area than authorized in previous permits. The initial dredge volume associated with the proposed dredge prism is 61,000 cubic yards (cy). Over the remainder of the permit duration SSI proposes to dredge another 40,000 cy as needed for ongoing maintenance (e.g. 20,000 cy every other year on average in years two through five). Dredging will be by clamshell bucket, with transport to approved upland facilities or locations by barge, truck or rail. Most of the dewatering will occur as the clamshell excavates and transfers the individual load to a barge. The material will have high water content, and some release is expected.

**Purpose:** To maintain safe navigation access and berthing for the existing facilities associated with Berths 4 and 5 at the International Terminals by conducting maintenance dredging as

SCHN00319012

needed. The two berths have been maintained under previous maintenance dredging permits (US Army Corps of Engineers Permit #199200812 and the Oregon Division of State Lands Permit No. 3701)

Berth 4 is currently used to export bulk metal products with a conveyor system. Berth 5 has a floating dock with a crane and is used for temporary moorage. The site is primarily used to support metal recycling and vessel dismantling operations. Due to shoaling within each of the berths, there is a critical and urgent need to maintain water depth at these facilities to prevent disruption of routine operations.

**Drawings:** Three (3) Sheets identified as *COE No. 199200812*

**Additional Information:** Additional information may be obtained from Ms. Mary J. Headley, Project Manager, U.S. Army Corps of Engineers at (503) 808-4392.

**Authority:** This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

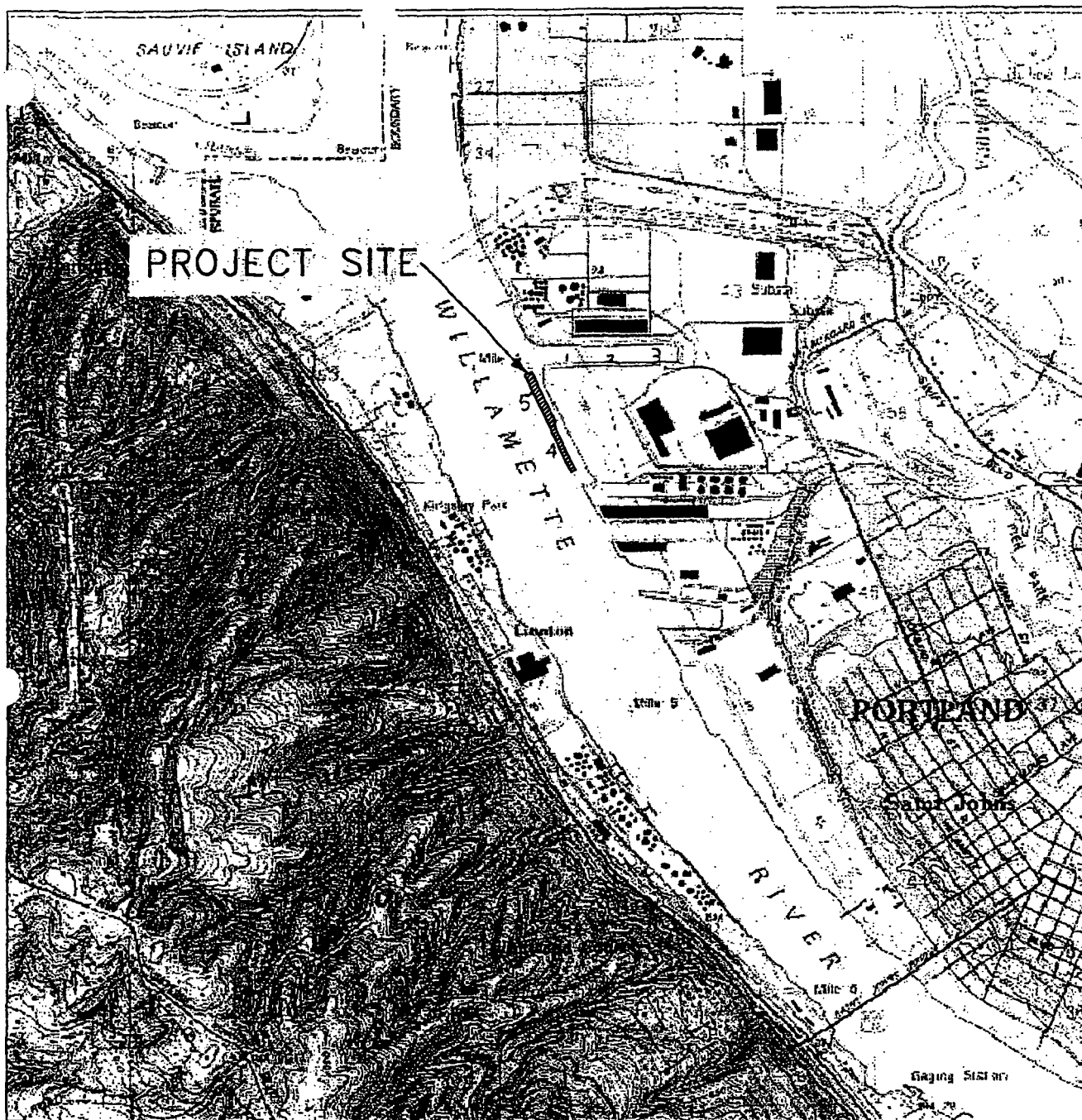
**Cultural Resources:** The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office. There are no recorded historic properties within the permit area. The permit area has been extensively modified by modern development that little likelihood exists for the proposed project to affect an undisturbed historic property or any other type of cultural resource.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

The Environmental Protection Agency (EPA) has requested an opportunity to review all project proposals, prior to the Corps taking a final permit action, for work in the Willamette River between the mouth of the river and Willamette Falls (River Miles 0 thru 26). This is the reach of the river that EPA has identified as an "area of interest" pursuant to a National Priorities Listing under the Comprehensive Environmental Response, Compensation, and Liability Act, the Resource Conservation and Recovery Act, and the Federal Water Pollution Control Act. The Corps has provided the requested project information to EPA.



NOTE 1. LOCATION MAP OBTAINED FROM US GEOLOGICAL SURVEY  
QUAD SHEET FOR LINNTON, OR

Scale in Feet  
0 1000 2000

PURPOSE: MAINTAIN NAVIGATION ACCESS  
AND BERTHS FOR SHIPS  
AND BARGES

VERTICAL DATUM: COLUMBIA RIVER DATUM  
(CRD), CRD IS 1.6' ABOVE NGVD  
AT WILLAMETTE RIVER MILE 3.8

ADJACENT PROPERTY OWNERS:  
1. NORTHWEST TERMINAL COMPANY  
2. PORT OF PORTLAND

LATITUDE: 45° 36' 30" N  
LONGITUDE: 122° 46' 52" W

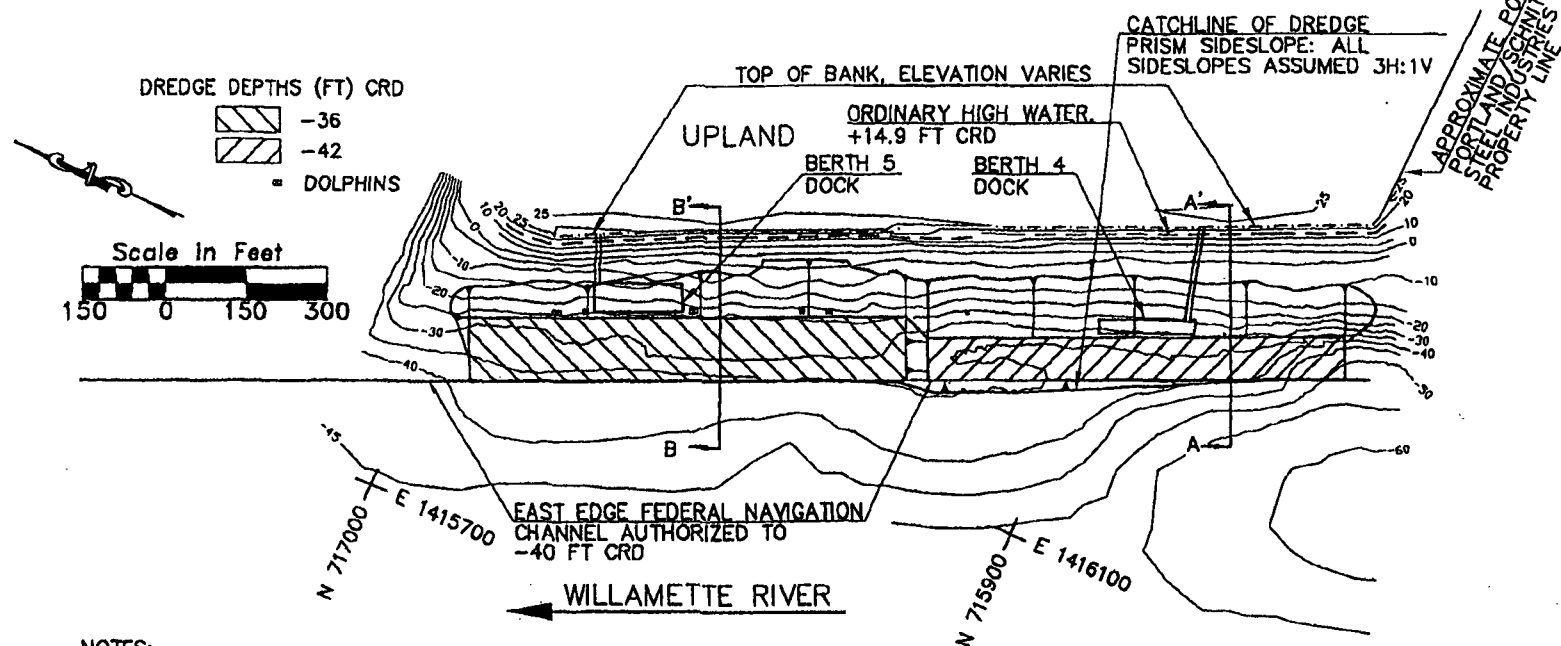
COE No. 199200812

PROPOSED MAINTENANCE DREDGING  
AT INTERNATIONAL TERMINALS

IN: WILLAMETTE RIVER  
AT: RIVER MILE 4.1  
COUNTY OF: MULTNOMAH  
APPLICATION BY: SCHNITZER STEEL  
INDUSTRIES, INC.  
SHEET 1 OF 3 DATE: 6/03/03

SCHN00319015





**NOTES:**

NOTE 2. THE ORDINARY HIGH WATER ELEVATION IS 14.9 FT CRD ACCORDING TO THE U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT.

NOTE 3. DEPTH SOUNDINGS (FEET, CRD) WERE MEASURED BY MINISTER & GLAESER SURVEYING, INC. IN SEPTEMBER, 2002.

NOTE 4. SCHNITZER STEEL INDUSTRIES, INC. PROPOSES TO INITIALLY DREDGE AN ESTIMATED 61,000± CY AS SHOWN. ESTIMATED MAINTENANCE DREDGING TO REMOVE NATURALLY SHOALED MATERIALS INCLUDES UP TO 40,000 CY (I.E. 20,000± CY EVERY OTHER YEAR ON AVERAGE) IN SUBSEQUENT YEARS.

NOTE 5. DREDGING DEPTHS SHOWN ARE MAXIMUM DEPTHS AND INCLUDE ONE FOOT OF ADVANCED MAINTENANCE AND ONE FOOT OF ALLOWABLE OVERDEPTH DUE TO DREDGING INACCURACY.

NOTE 6. SCHNITZER STEEL INDUSTRIES, INC. PROPOSES TO DREDGE THE MATERIAL USING A CLAMSHELL BUCKET OPERATED FROM A FLOATING CRANE. DREDGED MATERIAL WILL BE PLACED IN APPROVED UPLAND LOCATIONS.

PURPOSE: MAINTAIN NAVIGATION ACCESS  
AND BERTHS FOR SHIPS  
AND BARGES  
VERTICAL DATUM: COLUMBIA RIVER DATUM  
(CRD), CRD IS 1.6' ABOVE NGVD  
AT WILLAMETTE RIVER MILE 3.8  
ADJACENT PROPERTY OWNERS:  
1. NORTHWEST TERMINAL COMPANY  
2. PORT OF PORTLAND

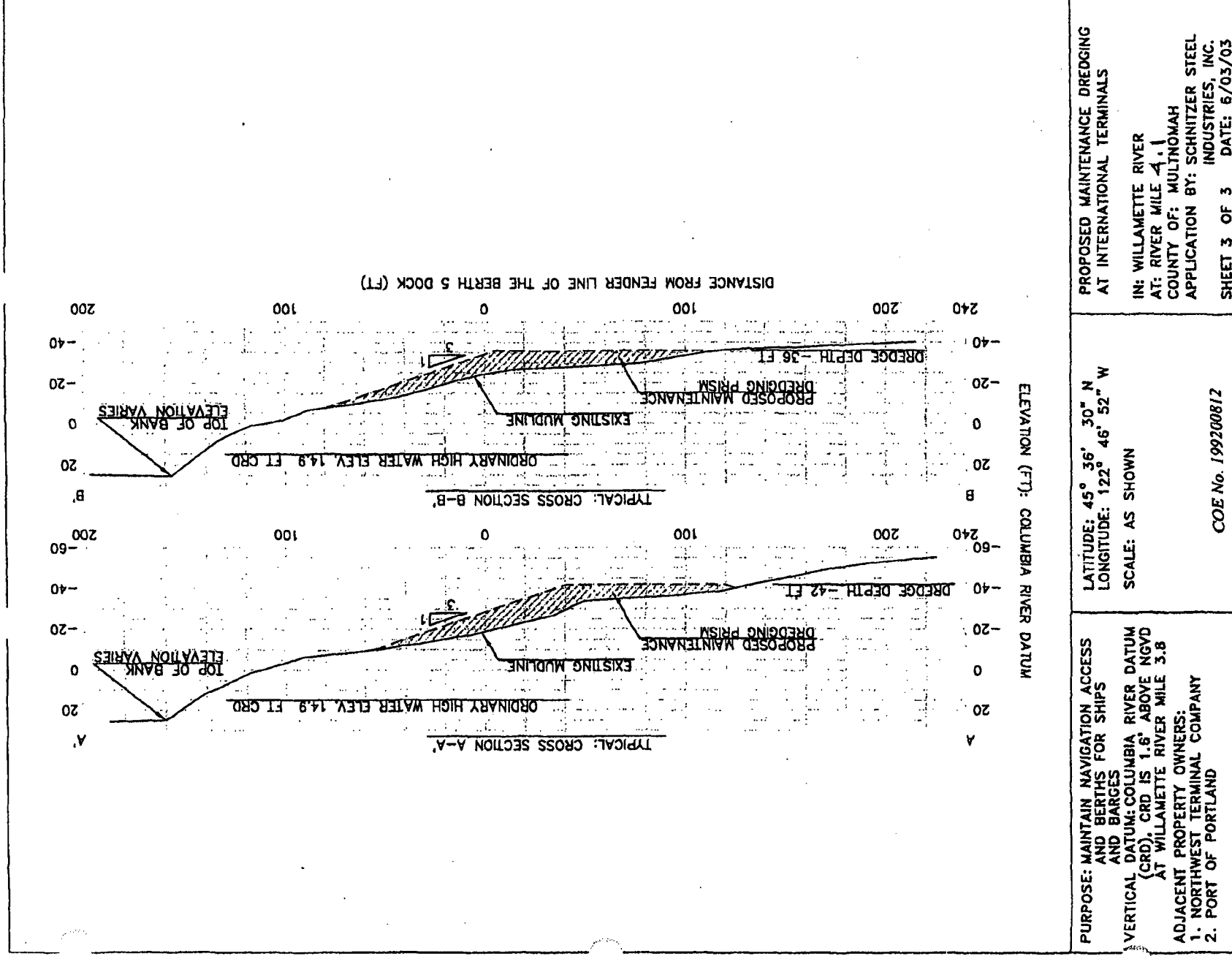
LATITUDE: 45° 36' 30" N  
LONGITUDE: 122° 46' 52" W  
HORIZONTAL DATUM: OREGON STATE  
PLANE COORDINATE SYSTEM, NORTH  
ZONE (NAD-27), U.S. SURVEY FEET

COE No. 199200812

PROPOSED MAINTENANCE DREDGING  
AT INTERNATIONAL TERMINALS

IN: WILLAMETTE RIVER  
AT: RIVER MILE 4.1  
COUNTY OF: MULTNOMAH  
APPLICATION BY: SCHNITZER STEEL  
INDUSTRIES, INC.  
SHEET 2 OF 3 DATE: 6/03/03

SCHN00319016





## United States Department of the Interior

DIVISION OF STATE LANDS  
RECEIVED

### FISH AND WILDLIFE SERVICE

2003 SEP -9 P 1: Oregon Fish and Wildlife Office

2600 SE 98th Avenue, Suite 100

Portland, Oregon 97266

Phone: (503) 231-6179 FAX: (503) 231-6195



Reply To: 7313.1321  
File Name: 91-99Schnitzrev  
TS Number: 03-4638

SEP 08 2003

Colonel Richard W. Hobernicht, District Engineer  
Portland District, Corps of Engineers  
ATTN: CENWP-GP-OP (Mary J. Headley)  
P. O. Box 2946  
Portland, Oregon 97208-2946

Subject: Review of Public Notice 1991-00099, Maintenance Dredging by Schnitzer Steel Industries at Berths 1, 2, and 3, International Terminals Slip, Willamette River

Dear Colonel Hobernicht:

The Fish and Wildlife Service has reviewed the referenced public notice regarding a proposal to conduct maintenance dredging in the Willamette River at the Schnitzer Steel Industries International Terminals slip (SSI slip), Multnomah County, Portland, Oregon. These comments have been prepared under the authority of and in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and are consistent with the intent of the National Environmental Policy Act of 1969. This letter does not fulfill the requirements of section 7 of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et seq.). If the Corps of Engineers (Corps) determines, based on a Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, the Corps is required to consult with the Service following the requirements of 50 CFR 402 which implement the ESA.

#### PROJECT DESCRIPTION

The project involves dredging SSI Berths 1, 2, and 3 to a maximum depth of -42 feet Columbia River Datum (CRD), -38 feet CRD, or -24 feet CRD depending on the location of the berths within the slip. The initial dredged volume would be 77,000 cubic yards (cy) with another 50,000 cy being dredged in years two through five (25,000 cy every other year on average over the life of the permit). All dredging would be done using a clamshell bucket with transport of the dredged material to approved upland facilities or locations by barge, truck, or rail.

## FISH AND WILDLIFE RESOURCES

The Willamette River at the project site is used by several species of anadromous fishes for rearing, feeding, and migration. These include spring and fall chinook (*Oncorhynchus tshawytscha*) and coho (*O. kisutch*) salmon; winter and summer steelhead (*O. mykiss*) and coastal cutthroat trout (*O. clarki clarki*); Pacific lamprey (*Lampetra tridentata*); shad (*Alosa sapidissima*); and sturgeon (*Acipenser transmontanus*). Resident game fish such as rainbow (*O. mykiss*) and resident cutthroat (*O. clarki clarki*) trout and smallmouth (*Micropterus dolomieu*) and largemouth (*M. salmoides*) bass as well as a variety of nongame fish also use the Willamette River for rearing and feeding. In addition, the Willamette River provides spawning habitat for bass and certain nongame fish.

Several of the above anadromous fish species have been listed under the ESA as follows: Snake River sockeye (*O. nerka*) salmon (endangered); Snake River spring/summer chinook salmon (threatened); Snake River fall chinook salmon (threatened); Snake River steelhead trout (threatened); Columbia River chum (*O. keta*) salmon (threatened); Lower Columbia River steelhead trout (threatened); Lower Columbia River chinook salmon (threatened); Middle Columbia River steelhead trout (threatened); Upper Columbia River steelhead trout (endangered); Upper Columbia River spring chinook salmon (endangered); Upper Willamette River chinook salmon (threatened); and Upper Willamette River steelhead trout (threatened).

Aquatic wildlife resources associated with the proposed project area include waterfowl species like mallard (*Anas platyrhynchos*) and Canada goose (*Branta canadensis*) and aquatic furbearers such as mink (*Mustela vison*) and river otter (*Lutra canadensis*). Hawks, peregrine falcons (*Falco peregrinus*), pigeons (*Columba livia*), opossums (*Didelphis virginiana*), raccoons (*Procyon lotor*), and a variety of urban-adapted small mammals are found in the project area. Bald eagles (*Haliaeetus leucocephalus*), which are listed as threatened, and ospreys (*Pandion haliaetus*) are also present in the vicinity of the project.

## FISH AND WILDLIFE SERVICE CONCERNS

The Service has concerns regarding the contaminant content of the sediments that are proposed for dredging, the guidelines used to determine the presence of contaminants, the interpretation of the sediment analysis, and the lack of a monitoring plan for contaminant levels. These concerns are discussed below.

Some screening and guideline values were inappropriately used by the consultant, Floyd Snider McCarthy, Inc., in their Sediment Data Report for the site. The Sediment Data Report compared values obtained at the SSI slip to Portland Harbor Area-Wide "Baseline" Values developed by the Oregon Department of Environmental Quality in the Weston (1998) study. The Sediment Data Report uses the Weston (1998) study values as "background" values (see page 3-1 of the Sediment Data Report) for comparison to concentrations obtained from the SSI slip. However,

the Weston (1998) values were obtained to characterize contaminant sources in an area in the lower Willamette River, not for the purpose of establishing background for determining environmental risk. The area studied by Weston (1998), including the area of the SSI slip, was later listed as a Superfund site due to elevated concentrations of polyaromatic hydrocarbons (PAHs), DDT compounds, polychlorinated biphenyls (PCBs), and other chemicals. Many of the areas sampled by Weston (1998) had values high enough to cause environmental impacts, which is why the area was listed as a Superfund site. The Weston (1998) values should **not** be used as "baseline" or "background" values to evaluate environmental effects of dredging. The Sediment Data Report also compares values from the SSI slip to data compiled by the Lower Willamette Group (LWG) in their Draft Round 1 Work Plan, which proposed to use a sediment guideline based on 5 times the Probable Effects Concentration (PEC) for a contaminant. The LWG draft work plan should not be used because the plan specifically states "DO NOT CITE OR QUOTE" on the front cover, and the plan was rejected as a useable document in its entirety by the U.S. Environmental Protection Agency and Trustee groups. This draft Work Plan is not a valid document and citing material from it is not legitimate. In addition, using a comparison guideline value that is five times the (PEC) is not appropriate because the value is five times greater than the value at which effects to benthic organisms are already highly likely to occur. The Service does not consider the evaluations made using the Weston (1998) sediment values as background or the data compiled by the Lower Willamette Group as a valid comparison to the sediment analysis results from the SSI slip.

The Service is concerned that sediments contaminated with DDT, PCBs, PAHs, and tributyltin (TBT) at the SSI slip will be disturbed and, possibly, resuspended during dredging activities and made more available to juvenile salmonids, cutthroat trout, and other aquatic organisms during and after the dredging activity. Testing at the SSI slip (Berths 1, 2, 3, 4, and 5) in March 2003 revealed concentrations of DDT or its metabolites well above detection limits in 4 of 5 samples of "surface" composites (taken from the surface to 36 or 38 inches). Total DDT compounds ranged from 3.1 to 37  $\mu\text{g/g}$  in these 4 samples. Total PCBs (as Aroclor 1254) were found in all 5 surface samples, ranging from 69 to 300  $\mu\text{g/g}$ . These contaminants bioaccumulate and biomagnify through the food chain and can impact juvenile salmonids and fish-eating predators; their resuspension in the environment should be minimized. PAHs were also found in all surface samples, but are of most concern in samples SS01 and SS02 because the concentrations exceeded 1,000  $\mu\text{g/g}$ , a value that raises concerns regarding sublethal effects to juvenile salmonids. Due to the concentrations and prevalence of these chemicals, the Service is concerned that cutthroat trout and other salmonids, as well as resident fish and benthic invertebrates, could be exposed during the proposed maintenance dredging activities. It is important that every effort be made to minimize such exposure by limiting sediment disturbance/turbidity, dredging to a depth that is the minimum depth necessary to accommodate ships, dredging with equipment that is designed to minimize exposure of water to contaminants during dredging (i.e., a close-lipped clamshell bucket), and by dredging only during the inwater work period.

Because of the concerns outlined above, the Service recommends that further characterization of the sediment at the SSI slip be conducted by subjecting sediment from the site to bioaccumulation testing to determine the potential for DDT compounds and PCBs to bioaccumulate (thereby, indirectly providing an estimate of the availability of these compounds from the sediment). Other options to bioaccumulation testing, however, could include using a close-lipped clamshell bucket, monitoring turbidity during dredging and reporting the results to regulatory and natural resource agencies during dredging, and using silt screens to minimize dispersal of sediment from the site (a valid option only in areas where flow is conducive to silt screen placement).

The Service also believes monitoring of contaminants during and after the proposed dredging to test the effectiveness of a close-lipped bucket and to characterize the contaminant levels remaining in the sediments after dredging is necessary. Testing should occur over specified time periods to analyze for possible exposure levels, movement of materials, possible decreases in contaminant levels over time, etc. This information would be useful for developing permit renewal conditions that would protect fish and wildlife resources in the project area in the future. Follow-up chemical analysis of sediments could be limited to analysis of DDT compounds, PCBs, TBT, and PAHs.

We ask that the Corps provide this office with copies of the Record of Decision for the permit application and the issued permit. Copies of these documents will help us to maintain a complete record for the project.

#### RECOMMENDATIONS

To protect and minimize adverse impacts to fish and wildlife resources of the Willamette River, the Service recommends that bioaccumulation testing of the sediment be conducted prior to dredging to determine the potential for organochlorine compounds and TBT to bioaccumulate in test organisms. If bioaccumulation testing proves to be infeasible for this project, the Service recommends strongly that all dredging be accomplished using a close-lipped clamshell bucket to minimize the risk of contaminant exposure to fish and wildlife resources. In addition, we recommend that:

1. A turbidity management plan be developed using the guidelines established by the Oregon Department of Environmental Quality.
2. Dredging depths, including overdrafts, be kept to a minimum.
3. All inwater work occur only during the preferred inwater work periods specified by the Oregon Department of Fish and Wildlife.
4. Silt screens be placed at the site (where flow conditions permit) to minimize dispersal of sediments during dredging.

Colonel Richard W. Hobernicht

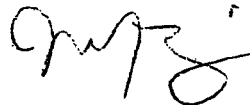
5

5. Monitoring of contaminant levels during and after dredging occur over a specified period to help determine possible exposure levels, movement of contaminated materials, and possible decreases in contaminant levels over time. Copies of the monitoring report should be made available to the resource agencies.

Please contact Kathi Larson or Jeremy Buck at this office (503-231-6179) if you have any questions regarding these comments or need additional information.

The above views and recommendations constitute the report of the Department of the Interior on the subject public notice.

Sincerely yours,



En Kemper M. McMaster  
State Supervisor  
Acting for U.S. Department of  
the Interior Coordinator

KL, JB/kl/91-99Schnitzrev

cc:

Yvonne Vallette, EPA, Portland, Oregon  
Christi Fellas, NOAA Fisheries, Portland, Oregon  
Wayne van der Nald, ODFW, Clackamas, Oregon  
Kirk Jarvie, DSL, Salem, Oregon  
Tom Melville, DEQ, Portland, Oregon

SCHN00319022

Colonel Richard W. Hobernicht

6

#### LITERATURE CITED

Weston, R. F. 1988. Portland Harbor sediment investigation report. Prepared for the U.S. Environmental Protection Agency. Contract 68-W9-0046. Portland, Oregon.

SCHN00319023





## United States Department of the Interior

FISH AND WILDLIFE SERVICE

Oregon Fish and Wildlife Office

2600 SE 98th Avenue, Suite 100

Portland, Oregon 97266

Phone: (503) 231-6179 FAX: (503) 231-6195

DIVISION OF STATE LANDS  
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Reply To: 8330.06454 (03)  
File Name: Schnitzer dredging informal s7.wpd  
TS Number: 04-1070

JAN 05 2004

Mr. Lawrence C. Evans  
Chief, Regulatory Branch  
Portland District, Corps of Engineers  
P.O. Box 2946  
Portland, Oregon 97208-2946  
Attn: Ms. Mary J. Headley

Re: Informal Consultation Request Regarding Maintenance Dredging at Berths 1, 2, 3, 4, and 5, Schnitzer Steel Industries, International Terminal Docks, Willamette River, Portland, Oregon (1-7-03-I-645, Corp. Public Notices 1991-00099 and 1992-00812)

Dear Mr. Evans:

The Fish and Wildlife Service (Service) has reviewed the biological assessments (BAs) for the proposed maintenance dredging by Schnitzer Steel Industries (SSI) at its International Terminal docks in the Willamette River between River Miles 3.8 and 4.1, Multnomah County, Oregon. We received your letter on August 19, 2003. Of interest to the Service is your evaluation of impacts to bald eagles (*Haliaeetus leucocephalus*) and the plant, *Howellia* (*Howellia aquatilis*), both listed as threatened. A "no effect" determination has been made for *Howellia*; therefore, this species will not be considered further in this consultation. The BAs also address impacts to a number of fish species under the jurisdiction of NOAA Fisheries (formerly the National Marine Fisheries Service). The Federal nexus for the proposed project is the Army Corps of Engineers' (Corps) dredge and fill permits that would be issued under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Our review and comments are provided pursuant to section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1536 *et seq.*) (Act). The BAs for maintenance dredging of Berths 1, 2, 3, 4 and 5 reached a determination of "may effect, but not likely to adversely affect" for bald eagles in the project area.

### Consultation History

On September 22, 2003, the Service responded to your request for informal consultation with a letter stating that we did not concur with the above determination because of project contaminant concerns and possible exposure of bald eagles to contaminant levels that could adversely affect the species. We recommended that a close-lipped clamshell dredge be used to minimize the

exposure of eagles and aquatic organisms, particularly salmonids, to such contaminants during dredging. On October 7, 2003, Jerald Ramsden of Parsons, Brinckerhoff, Quade, and Douglas (Parsons Brinckerhoff), consultants for the project applicant, responded via email to the Service's letter stating that dredging would occur using a close-lipped clamshell dredge and that, based on recommendations made in our review of the public notices for these dredging projects, they would develop a turbidity management plan, keep dredging depths to a minimum, and conduct maintenance dredging during the preferred inwater work period as approved by the Oregon Division of State Lands (ODSL). On October 9, 2003, the Service responded to Mr. Ramsden via email that we believed that the latter conditions described for dredging would help to minimize impacts on fish and wildlife resources, including bald eagles, but that we still believed it necessary to monitor for contaminants levels during and after dredging as recommended in our review of public notices 1991-00099 and 1992-00812. The Service received another letter from Parsons Brinckerhoff via the Corps on December 11, 2003, in which Parsons Brinckerhoff questioned the need for post-dredge sampling in light of their decision to use a close-lipped clamshell dredge and their belief that sediment sampling and analysis showed only minor exceedances of Dredged Material Evaluation Framework (DMEF) screening levels. The question of and need for monitoring will be addressed later in this letter.

### **Project Description**

The project involves maintenance dredging at the SSI International Terminal docks on the Willamette River, Berths 1, 2, 3, 4, and 5. Berths 1, 2, and 3 would be dredged to a maximum depth of -42 feet Columbia River Datum (CRD), -38 feet CRD, or -24 feet CRD depending on the location of the berths within the slip. The initial dredged volume would be 77,000 cubic yards (cy) with another 50,000 cy being dredged in years two through five (25,000 cy every other year on average over the life of the permit). The proposed dredge footprint would cover about 9.6 acres with a maximum length of 2,250 feet and a maximum width of 270 feet. SSI Berths 4 and 5 would be dredged to a maximum depth of -42 feet CRD at Berth 4 and to -36 feet CRD at Berth 5. The initial dredged volume would be 61,000 cy with another 40,000 cy being dredged in years two through five (20,000 cy every other year on average over the life of the permit). For Berths 4 and 5, the dredge footprint would cover about 6.6 acres with a maximum length of 1,600 feet and maximum width of 220 feet. All dredging would be accomplished using a close-lipped clamshell bucket (as recently agreed to by Parsons Brinckerhoff) with transport of the dredged material to approved upland facilities or locations by barge, truck, or rail.

### **Species Account**

Bald eagles nest in the tops of large trees and are strongly associated with aquatic habitats, rarely nesting in Oregon further than one mile from water and their primary prey of fish (Fish and Wildlife Service 1995). Foraging bald eagles require perch trees with an unobstructed view that are adjacent to the water, a dependence that makes bald eagles specifically vulnerable to aquatic-associated disturbance (Fish and Wildlife Service 1995).

In Oregon, the bald eagle breeding season can start as early as January 1 and may extend until August 31 each year. Bald eagles are particularly sensitive to human disturbance during the breeding season, sometimes resulting in the abandonment of nests (Fish and Wildlife Service 1986). Incubation lasts approximately 35 days, and the young are ready to fledge at about 11 to 12 weeks of age (Fish and Wildlife Service 1999). Parental care, however, may continue 4 to 11 weeks after the young have fledged. Wintering bald eagles use the Columbia and Willamette Rivers from November 15 to March 15.

Both adult and juvenile bald eagles are known to use the lower Willamette River and the Willamette/Columbia Rivers confluence area throughout the year. However, since the closest bald eagle nest is over 3 miles from the project site, construction is not expected to directly disrupt nesting activities or the rearing of young. No communal night roosts or perch trees are near the proposed dredging site; therefore, wintering bald eagles would not be affected by dredging that may occur during the wintering season. Your analysis finds that bald eagle foraging activities may be disrupted due to noise levels from the operation of heavy equipment but such disruptions are expected to be temporary in nature. Further, the BAs state that contaminant issues are minimal, do not exceed DMEF screening levels, and would not have significant effects on bald eagles or salmonids. The BA concludes that the project may affect bald eagles, but it is unlikely to affect them adversely.

Based on information provided in the BAs and subsequent correspondence with the Corps and the consultants for the project applicant, the Service concurs with the "may affect, not likely to adversely affect" determination for bald eagles. Our concurrence with this determination was made for the following reasons:

- A close-lipped clamshell bucket will be used to dredge the project sites with all dredged material transported to approved upland facilities or locations by barge, truck, or rail. Any incidences when the close-lipped bucket is not used (breakdowns, etc.) will be provided in a post-dredging report to the Service describing when, where, and the length of time the close-lipped dredge was out of service.
- A turbidity management plan will be developed using guidelines established by the Oregon Department of Environmental Quality (ODEQ).
- Dredging depths, including overdrafts, will be kept to a minimum.
- All inwater work will occur only during the preferred inwater work periods specified by the Oregon Department of Fish and Wildlife (ODFW) or at other times, as needed and coordinated with ODFW and the ODSL.

The requirements established under section 7(a)(2) and 7(c) of the Act have been met, thereby concluding the consultation process. If, however, over the life of the project, information becomes available that reveals effects of project construction that may affect listed species or critical habitat in a manner or to an extent not originally considered in this consultation process, we request reinitiation of consultation.

### **Clean Water Act and Fish and Wildlife Coordination Act Issues**

The Service still considers that there is a need to conduct monitoring of the dredging activities at the SSI International Terminal docks to evaluate 1) the movement of surrounding contaminants into the project site and downstream as a result of dredging; 2) the effectiveness of the close-lipped clamshell dredge in removing contaminated material and minimizing dispersal of contaminated suspended sediment; and 3) the stability of the side-slope materials at the site during the dredging activity. This information will provide a more accurate picture of the impacts of dredging activities in contaminated sites on fish and wildlife resources, including anadromous fish and other listed species. This monitoring effort will directly address the Service's remaining concerns at the site, which are described below:

#### Overview of concerns

The sediment in the area to be dredged contains contaminants elevated above guidance values derived to protect aquatic life, and the Service is concerned that dredging will result in a contaminated layer at the surface of the dredge cut area. Specifically, removing material from the slips could cause contaminated surface material immediately adjacent to the slip to fall into the hole created during dredging and increase the availability of contaminants to anadromous and resident fish and their prey. The degree of contamination resulting from this "sideslope adjustment" is dependent on the current contamination concentrations in the surface layer and the stability of the sideslopes. Even small concentrations of contaminants such as DDT and its metabolites and polychlorinated biphenyls (PCBs) can bioaccumulate into higher organisms and result in adverse effects. The sampling effort (Floyd Snider McCarthy 2003) conducted to characterize the sediments at the site did not sufficiently address these concerns.

#### Specific concerns related to the sediment characterization (Floyd Snider McCarthy 2003)

1) It is unclear from the sediment characterization report for the site (Floyd Snider McCarthy 2003) what specific depth the surface samples collected represent. The characterization report states that "The first core segment reached from the top of the sediment to a depth corresponding to an elevation of -38 feet CRD . . . ." Therefore, it is unknown if most of the contamination is within the biologically active zone (e.g., up to 10 to 30 cm) or within a couple of feet of the surface. Materials sliding into the hole after dredging could result in contaminated sediment being exposed at the surface of the dredge cut and more available to organisms than prior to the dredge event.

2) The quality control (QC) information for DDT and its metabolites and PCBs is not sufficient to conclude that these chemicals would not pose a hazard to fish and wildlife if present in surface sediments. This concern is based on the following: 1) reporting limits were elevated for DDT, DDE, DDD, and PCBs; 2) matrix spike recoveries were reported as a range and could be below 30 percent for DDT, DDE, and DDD; and 3) unresolved matrix effects were noted in many surface samples for DDT (samples SS01..07, SS02..13, SS04..08, SS05..12) and once for DDE (sample SS05..12). Based on review of the QC information presented in Floyd Snider McCarthy

(2003), it is likely that DDT and its metabolites are higher in the surface sediments than actually reported. Specific information on these QC problems follows below:

- **Reporting limits:** As stated in section 8.3 of Floyd Snider McCarthy (2003), "Reporting limits for DDT re-analysis ranged from 3.4 to 6.3  $\mu\text{g/kg}$  versus 1.0  $\mu\text{g/kg}$ ." The 1.0  $\mu\text{g/kg}$  reporting limit is specified in the sampling protocol. The guidance value for DDT and its metabolites is listed as 6.9  $\mu\text{g/kg}$  in the DMEF. This value represents a *summation* of DDT plus metabolites DDD and DDE. For most sample results, the reporting limits were not sufficient to quantify all three compounds, so only two were summed and the other excluded. Therefore, it is likely that most surface samples actually exceeded DMEF guidelines for DDTs. This is contrary to what is indicated in Floyd Snider McCarthy (2003).
- **Matrix spike recoveries:** Section 8.7 of the report indicates that matrix spike and matrix spike duplicate recoveries were 16 to 175 percent for DDT, 30 to 170 percent for DDD, and 12 to 197 percent for DDE. However, the recoveries specific to these analyses for each sample are not mentioned. Therefore, we can assume that DDT, DDD, and DDE may have had recoveries as low as 12 to 30 percent. This is unacceptable and indicates that these compounds could be much higher in the samples than reported.
- **Unresolved matrix effects:** Four surface sediment samples (noted above) had DDT or DDE results flagged with a "UM." This flag is defined in Table 3.1 of Floyd Snider McCarthy (2003) as "indicates an analyte was not detected, and where a matrix effect was present." The Service is concerned that the detection limit was already elevated for this compound, and a matrix effect can mask the actual presence of the expected compound. The presence and concentration of the contaminant cannot be resolved without further analysis, yet it is likely present at a much higher concentration than the 1.0  $\mu\text{g/kg}$  required reporting limit which was not achieved in the results. In Floyd Snider McCarthy (2003), the DDT and DDE concentrations flagged with UM were not included in the summation value used to compare to the total DDT guidance value. Therefore, the results from the collected sediment likely under-represent contamination in surface sediments at the site.

3) The use of background values in the sediment characterization report (section 3.4.3 and Table 3.5 of Floyd Snider McCarthy 2003) was inappropriate. The ODEQ would not consider sediment results from a large Superfund site as background concentrations for site specific needs as was done in the above analysis. Included in the Superfund site results are highly contaminated sediment concentrations resulting from a specific hazardous waste source. It is not appropriate or meaningful to use these samples to represent "background" or "baseline" contamination. Any comparison samples, if collected, should be taken immediately adjacent to the area to be dredged.

4) The Service does not consider the bioaccumulation triggers listed in the DMEF as representative of sediments in the lower Columbia and Willamette Rivers, where

Mr. Lawrence C. Evans

6

bioaccumulation of compounds such as DDT and PCBs has been associated with reproductive problems for some species. The Service does not use the DMEF triggers as guidance values. Bioaccumulation of contaminants such as DDT and PCBs is a result of numerous factors, and any concentration of these contaminants has the potential to bioaccumulate. In addition, the bioaccumulation triggers listed in the DMEF (as well as all DMEF guidance) are currently under review and will likely be revised. The Service uses site specific information when making an assessment of bioaccumulation.

5) A letter dated December 4, 2003, from Parsons Brinckerhoff engineers to Mr. Lawrence Evans of the Corps makes comparisons to the Port of Portland turbidity monitoring efforts during a similar dredge event by the Port of Portland. The Service cooperated with the Port of Portland during the dredge events at Terminals 2 and 4. The Port conducted both turbidity measurements as NTUs and as total suspended solids as part of their monitoring plan. In addition, the Port of Portland conducted follow-up sampling to evaluate contaminants at the surface of the dredgecut after dredging at Terminal 4. The Service wishes to maintain consistency at all sites dredged within the Portland Harbor Superfund area when it is possible that surface contaminants could recontaminate a dredgecut, or when the dredgecut surface lies near a contaminated layer.

#### Recommendations

To rectify these unresolved issues, the Service recommends the collection of surface samples from the exposed surface of the dredgecut immediately after dredging, using the sampling protocols and tiered approach as described by the DMEF. If grain size indicates very little fines present and is representative of the native materials expected at that depth, then no further chemical testing would be necessary (as per Tier IIa of the DMEF). If fines are present, the Service recommends following the Tier IIb approach of the DMEF to determine contaminant concentrations, including meeting the specified minimum reporting limit for each analyte. For the compounds DDT, DDE, and DDD, minimum reporting limits should be 1.0 µg/kg for each compound. Follow-up analysis is necessary if unresolved matrix effects are noted in QC information.

If you have any questions or need more information, please contact Kathi Larson or Jeremy Buck at (503) 231-6179.

Sincerely,

*Kemper M. McMaster*

Kemper M. McMaster  
State Supervisor

SCHN00319031

Mr. Lawrence C. Evans

7

cc:  
EPA  
NOAA Fisheries  
ODFW  
ODEQ  
ODSL

#### LITERATURE CITED

Fish and Wildlife Service. 1986. Recovery Plan for the Pacific Bald Eagle. Fish and Wildlife Service, Portland, Oregon 160 pp.

Fish and Wildlife Service. 1995. Final rule to reclassify the bald eagle from endangered to threatened in all of the lower 48 states. Federal Register 60 (133):36000-36010.

Fish and Wildlife Service. 1999. Proposed rule to remove the bald eagle in the Lower 48 States from the list of endangered and threatened wildlife. Federal Register 64 (128):36454-36464.

Floyd Snyder McCarthy. 2003. International Terminal Sediment Data Report. Final report prepared for Schnitzer Steel Industries, Inc., June 26. Floyd Snyder McCarthy, Inc., Seattle, Washington.

SCHN00319032

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
☎ 503-378-3805

Permit No.:	30895-RP
Permit Type:	Removal
Waterway:	Willamette River
County:	Multnomah
Expiration Date:	January 14, 2005
Corps No.:	1992-00812


***SCHNITZER STEEL INDUSTRIES, INC.***

IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340, Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 378-3805.

Lori Warner, Manager  
Western Region Field Operations  
Oregon Department of State Lands

  
\_\_\_\_\_  
Authorized Signature

January 15, 2004  
\_\_\_\_\_  
Date Issued



## ATTACHMENT A

**Special Conditions for Removal/Fill Permit No. 30895-RP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Division of State Lands as part of our monitoring program. The Division has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 101,000 cubic yards (total project) of sand and silt at International Terminals Berths 4 and 5 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Division and request adjustments to this authorization.
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 4 and 5, shall be conducted between July 1 and October 31 (any year with valid permit) and between January 1 and January 31, 2004, unless otherwise coordinated with ODFW and approved in writing by ODSL.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Division of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described Application. In the closed position, the bucket shall be sealed so as to minimize sediment resuspension. The barge shall be positioned so as to avoid grounding on the river bed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.

8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Division for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Division of State Lands.

#### **Water Quality Conditions**

10. Dredging activity shall be conducted in strict compliance with the DEQ approved Water Quality Management Plan (WQMP) for the site. The approved WQMP and its contents are incorporated into and become a binding condition of this Permit. The Plan outlines: an effects-based turbidity standard; implementation of action level and stop-work level turbidity thresholds; monitoring protocols; and reporting requirements.
11. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

12. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
13. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.
14. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Division.
15. The Division of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

16. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
17. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.
18. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
19. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
20. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
21. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
22. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
23. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
24. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
25. Dredging will not be allowed from public beach areas.
26. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Division of State Lands, and local land use regulations.

27. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

January 15, 2004

J:\Attachment\westLAS\RP Removal Permits\30895-RP.doc

**INTENT TO ISSUE PERMIT**  
Division of State Lands  
State of Oregon

Applicant Schutze Steel Application number-Type 30895-RP

Project Description:  
Maintenance dredging @ Berths 4 & 5 Willamette R mile 3.8

**All Permits**

- ☒ "Attach. A" proofed  
☒ Permit fee checked and paid  
☐ Consistent with Local C.P.  
☒ Local Approval pending,  
condition in Attach A.  
☒ Final application updated,  
complete

☐  
☐

**Mitigation Related**

- | Y                                   | NA                                  |   |
|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Protection Instrument (draft approved)  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Delineation approved  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Financial Security Instrument received (Impact<br>>0.2 acres, non-public)   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Findings (over 2 acres of impact, estuarine fills or<br>removals of >10,000 cy, rip-rap in coastal areas >2,500<br>cy, inconsistent with State agency recommendation,<br>Scenic Waterways.) |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Payment to provide checklist  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Mitigation Bank Payment   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Mitigation Data Form  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Mitigation meets ratios   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Success Criteria  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Monitoring Plan   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Consulted with applicant about special CWM<br>permit conditions.  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Rehab plan for temporary impacts  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Compensatory mitigation plan for non-<br>wetland impacts - see file note  |

**Application History**

- ☒ Project OK, no SAC objections  
☐ SAC objections and resolution  
see file notes regarding in-water work period &  
water quality issues

Submitted by:

Kirk Martin  
Natural Resource Coordinator

J:\\_Forms\Authorizations\Intent to Issue Permit.doc

11/14/04  
11/6/03  
Date

SCHN00319047



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
POST OFFICE BOX 2946  
PORTLAND, OREGON 97208-2946

DIVISION OF STATE LANDS  
RECEIVED

2004 FEB -2 P 2:54

REPLY TO  
ATTENTION OF:

JAN 29 2004

Operations Division  
Regulatory Branch  
Corps No.: 199100099 & 199200812

Mr. James L. Jakubiak  
Schnitzer Investment Corporation  
International Terminal  
PO Box 10047  
Portland, Oregon 97296-0047

Dear Mr. Jakubiak:

The U.S. Army Corps of Engineers (Corps) has completed the review of the permit applications you submitted to conduct maintenance dredging in waters of the United States. The projects are located at the International Terminal Berths 1-5 in the Willamette River, River Miles 3.5-4.1, Section 35, Township 2 North, Range 1 West, Portland, Multnomah County, Oregon.

Although the Corps is prepared to issue the permits, by Federal law, Department of the Army (DA) permits cannot be issued until State 401 Water Quality Certification (WQC) has been issued or waived. The Oregon Department of Environmental Quality (DEQ), which is responsible for WQC has not issued the prerequisite certification.

Upon receipt of DEQ's approval or waiver, the DA permits will be issued, providing the State approval or waiver is furnished within one year of the date of this letter and there have been no significant changes in the Corps evaluation policies during that period nor any significant project modifications.

You must notify us in writing when you receive the State certification and enclose a copy of the State certification as well as any revised drawings illustrating project modifications. Conditions of the DEQ Section 401 Water Quality Certification will become conditions of the final DA permits. Should the State's action on the required certification permit a project different from that shown on the current permit applications, a modification to the applications will be required. You must notify this office of any changes to the project when you submit copies of the State certification/permit. Substantial changes may require a new permit evaluation process, including issuing a new public notice. If the State denies the required Section 401 WQC, the DA permit is denied without prejudice.

SCHN00319048

You are cautioned that commencement of the proposed work prior to actual DA authorization would constitute a violation of Federal laws and subject you to possible enforcement action. Receipt of a permit from the Oregon Division of State Lands does not obviate the requirement for obtaining a Department of the Army permit prior to commencing the proposed work.

If you have any questions regarding this letter, please contact Ms. Mary J. Headley at the letterhead address or telephone (503) 808-4392.

Sincerely,

Lawrence C. Evans  
Chief, Regulatory Branch

Enclosures

Copy Furnished:

Parsons Brinckerhoff Quade & Douglas, Inc. (Jerald Ramsden)  
✓ Oregon Division of State Lands (DSL NO: RF-30895)  
Oregon Department of Environmental Quality (Melville)  
OP-GP (Nelson)



# Oregon

Theodore R. Kulongoski, Governor

## Department of Environmental Quality

811 SW Sixth Avenue

Portland, OR 97204-1390

503-229-5696

TTY 503-229-6993

DIVISION OF STATE LANDS  
RECEIVED

2004 FEB -6 1 P 2:57

30895-RP

February 5, 2004

Ms. Mary J. Headley  
U.S. Army Corps of Engineers  
ATTN: CENPP-CO-GP  
P.O. Box 2946  
Portland, OR 97208-2946

Dear Ms. Headley,

The Department of Environmental Quality (DEQ) has reviewed U.S. Army Corps of Engineers (USACE, Corps) Permit Application numbers 1991-00099, and 1992-00812, [Division of State Lands (DSL) # RF1055, and 30895-RP respectively] for maintenance dredging. The applicant, Schnitzer Steel Industries, proposes to remove sedimentary materials from their International Terminals Slip, Berths 1, 2, and 3 (Project # 1991-00099); and Berths 4 and 5 (1992-00812). The project site is located at River Mile (RM) 3.8 and RM 4.1 respectively of the east shore Willamette River in Portland, Multnomah County, Oregon (Section 35, T2N/R1W).

The project involves maintenance dredging to a depth of -42 feet Columbia River Datum (CRD) to maintain safe navigational access and berthing for existing facilities at the International Terminals Slip. Over the life of the 5-year permit and certification the applicant proposes to dredge a total of 228,000 cubic yards (CY) from the facility (127,000 CY and 101,000 CY respectively). Initial dredge volumes are calculated at 138,000CY (77,000CY and 61,000 CY respectively). The remainder will be removed on alternate years from locations as required to maintain berthing depths. All dredged materials will be removed by clamshell dredge and transported by rail, truck, or barge to an approved upland facility.

The International Terminal is located in an area that the US Environmental Protection Agency (EPA) has designated an area of interest under the Superfund program. A letter dated November 2, 2001 from Sally Marquis, Manager, Aquatic Resources Unit, EPA, to Ms. Judy Linton, USACE, outlines protocol for conducting necessary maintenance dredging of facilities within the Superfund Site. It contains a reference to a "Superfund Condition" which has been provided to the Corps for inclusion in all Section 404 permits that they issue for the Portland Harbor area.

This project was determined by the Corps to be covered for ESA consultation under the *Programmatic Biological Opinion and Magnusson-Stevens Act Essential Fish Habitat Consultation for Standard Local Operating Procedures for Endangered Species (SLOPES II) for Certain Regulatory and Operations Activities Carried Out by the Department of Army Permits in Oregon and the North Shore Columbia River* dated July 8, 2003.

The Willamette River is classified as Water Quality Limited under Section 303(d) of the Federal Clean Water Act for the following parameters: Bacteria [Fecal Coliform (Fall/Winter/Spring)]; Toxics: [Tissue-Mercury (Year Round)]; Temperature (Summer); and Biological Criteria (Fish Skeletal Deformities).

DEQ-1

SCHN00319050



Ms. Headley

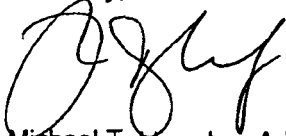
Page 3

- 10) In the event of a discharge of oil, fuel, or other chemicals into State waters, or onto land with a potential to enter State waters, containment and cleanup shall begin immediately and be completed as soon as possible.
- 11) Spills into State waters, or onto land with a potential to enter State waters, shall be reported immediately to the DEQ Spill Response Team [Northwest Region/Portland: (503) 229-5614].
- 12) DEQ reserves the option to modify, amend or revoke this WQC, as necessary, in the event new information indicates that the dredging/disposal activities are having a significant adverse impact on State water quality or critical fish resources.
- 13) A copy of this WQC letter shall be kept on the job site and readily available for reference by the Corps of Engineers, DEQ personnel, the contractor, and other appropriate state and local government inspectors.
- 14) This WQC is invalid if the project is operated in a manner not consistent with the project description contained in the Public Notice for certification.
- 15) DEQ is to have site access upon request.
- 16) If you are dissatisfied with the conditions contained in this certification, you may request a hearing before the Environmental Quality Commission. Such request must be made in writing to the Director of DEQ within 20 days of the mailing of this certification. You may also request written information about alternative dispute resolution services under Oregon Revised Statute 183.502, including mediation or any other collaborative problem-solving process.

The DEQ hereby certifies that this project complies with the Clean Water Act and state water quality standards, if the above conditions are made a part of the Federal permit.

The applicant shall notify the DEQ of any change in the ownership, scope, or construction methods of the project subsequent to certification. If you have any questions, please contact Tom Melville, (503) 229-5845.

Sincerely,



Michael T. Llewelyn, Administrator  
Water Quality Division

T:TM.Certhead.91-099&92-812

cc: Applicant  
Neil Mullane, DEQ  
Kirk Jarvie, DSL

SCHN00319051



REPLY TO  
ATTENTION OF:

Operations Division  
Regulatory Branch  
Corps No.: 199200812

**DEPARTMENT OF THE ARMY**  
**PORTLAND DISTRICT, CORPS OF ENGINEERS**  
POST OFFICE BOX 2946  
PORTLAND, OREGON 97208-2946

DIVISION OF STATE LANDS  
RECEIVED

2004 APR 26 P 1:54

APR 21 2004

*Dan-Arch*  
*30895/7*

*File Room*  
*1/2/05*

Mr. James L. Jakubiak  
Schnitzer Investment Corporation  
International Terminal  
PO Box 10047  
Portland, Oregon 97296-0047

Dear Mr. Jakubiak:

Enclosed are your fully executed Department of the Army Permit and a notice of authorization that must be posted at the work site.

Please carefully read the permit and its conditions. In addition, if you have a contractor and/or agent, please review these conditions with them to ensure that the work is performed in accordance with the permit terms. Also be aware that other authorizations from Federal, state, or local governments may be required by law. If the work is not completed prior to the permit expiration date, you may apply for a time extension. We recommend you apply for a time extension at least 90 days before the expiration date of the permit.

If you have any questions regarding this nationwide permit verification, please contact Ms. Mary J. Headley at the letterhead address or telephone (503) 808-4392.

Sincerely,

Lawrence C. Evans  
Chief, Regulatory Branch

Enclosures

Copy Furnished:

Parsons Brinckerhoff Quade & Douglas, Inc. (Jerald Ramsden)  
Oregon Division of State Lands (DSL NO: RF-30895)  
Oregon Department of Environmental Quality (Melville)  
OP-GP (Nelson) w/ enclosure 1

SCHN00319052

**DIVISION OF STATE LANDS  
MEMORANDUM**

**\*\*\*\*Please return files to your assistant\*\*\*\***

**September 21, 2004**

TO: Don

FROM: Jeanne Devine, Resource Coordinator Assistant

RE: Review of Renewal Files (Exp. January 2005) and  
Multi-year billings

File number 30895-RP

Expiration date 1/14/05

This file is due to expire within the next 90 days. Please review the file and mark one of the boxes below. **Return files to your assistant ASAP (letters should go out**

**October 4, 2004.**

Thanks.

☐ Okay to send renewal letter. **Updated App Needed (five years):** \_\_\_\_\_

☒ Okay to send renewal letter, however, I will be revising the conditions.

☐ Revise renewal letter to include:

\_\_\_\_\_  
\_\_\_\_\_

☐ Ok to send annual **billing letter** for multi-year permit.

☐ I believe the project is completed and renewal should not be offered (see below).

☐ Wait until permit expiration date to close file

☐ Other: \_\_\_\_\_

Jeanne Devine  
Coordinator Signature

7-27-04  
Date

\\Salem5\FO\Forms\Misc\Renewal Review.doc

SCHN00319053

CR 182533



# Oregon

Theodore R. Kulongoski, Governor

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 378-3805  
FAX (503) 378-4844  
www.oregonstatelands.us.

October 4, 2004

TW02/30895

ATTN: JIM JAKUBIAK  
SCHNITZER STEEL INDUSTRIES INC  
PO BOX 10047  
PORTLAND OR 97296-0047

State Land Board

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

RE: Permit No.: 30895-RP  
Waterway: Willamette River (RM 3.8) Multnomah Co  
Expiration Date: January 14, 2005

Randall Edwards  
State Treasurer

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. Please mark the appropriate box below concerning the status report of the project completion and return this letter, along with the renewal fee if you wish to renew, to our office **no later than November 17, 2004**. You may fax your response to (503) 378-4844 and send your renewal fee with the copy of this billing letter.

**If you wish to renew your permit, please note: Failure to request renewal at least 45 days before permit expiration requires that you resubmit a new application for a permit.**

If you have any questions or need additional applications, please call Field Operations at 378-3805 extension 230.

( ) **DO NOT RENEW:** (please mark one)  
( ) The project has been completed.  
( ) I/We have decided not to do this project.

(X) **PLEASE RENEW:** (please mark all that apply)  
(X) The project has **not** been completed.  
( ) The project has not been started.  
( ) The scope of the project has changed.

(X) **RENEWAL FEE ENCLOSED** (Please remit fee of \$150)

RECEIVED

NOV 4 2004  
DIVISION OF STATE LANDS  
REMITTANCES \$150.00

  
\_\_\_\_\_  
Authorization Signature

November 1, 2004  
\_\_\_\_\_  
Date

**NOTE:** If we have not received a response to this letter at least 45 days before expiration date noted above, we will consider the project complete and close the file. However, any wetland mitigation requirements (including those relating to the monitoring of wetland mitigation), regardless of the status of your permit, continue to be in force as specified by your permit.

Department of State Lands  
775 Summer Street NE, Suite 10'  
Salem, OR 97301-1279  
☎ 503-378-3805

Permit No.:	30895-RP RENEWAL
Permit Type:	Removal
Waterway:	Willamette River
County:	Multnomah
Expiration Date:	January 14, 2006
Corps No.:	199200812

***SCHNITZER STEEL INDUSTRIES, INC.***

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-378-3805.

Lori Warner-Dickason, Manager  
Western Region Field Operations  
Oregon Department of State Lands

*Lori Warner-Dickason*  
Authorized Signature

December 14, 2004  
Date Issued

## ATTACHMENT A

Permittee: Schnitzer Steel Products Co.

**Special Conditions for Removal/Fill Permit No. 30895-RP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 101,000 cubic yards (total project) of sand and silt at International Terminals Berths 4 and 5 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Department and request adjustments to this authorization.
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 4 and 5, shall be conducted between July 1 and October 31 unless otherwise coordinated with ODFW and approved in writing by ODSL.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Department of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described Application. In the closed position, the bucket shall be sealed so as to minimize sediment re-suspension. The barge shall be positioned so as to avoid grounding on the riverbed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.
8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Department for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Department of State Lands.

SCHN00319056

### Water Quality Conditions

10. **TURBIDITY/EROSION CONTROLS.** The authorized work shall not cause turbidity of affected waters to exceed 10% over natural background turbidity 100 feet downstream of the fill point. For projects proposed in areas with no discernible gradient break (gradient of 2% or less), monitoring shall take place at 4 hour intervals and the turbidity standard may be exceeded for a maximum of one monitoring intervals per 24 hour work period provided all practicable control measures have been implemented. This turbidity standard exceedance intervals applies only to coastal lowlands and floodplains, valley bottoms and other low-lying and/or relatively flat land.

For projects in all other areas, the turbidity standard can be exceeded for a maximum of 2 hours (limited duration) provided all practicable erosion control measures have been implemented. These projects may also be subject to additional reporting requirements.

Turbidity shall be monitored during active in-water work periods. Monitoring points shall be at an undisturbed site (representative background) 100 feet upstream from the turbidity causing activity (i.e., fill or discharge point), 100 feet downstream from the fill point, and at the point of fill. A turbidimeter is recommended, however, visual gauging is acceptable. Turbidity that is visible over background is considered an exceedance of the standard.

The following erosion control measures (and others as appropriate) shall be observed:

- a. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures shall be used sufficient to prevent movement of soil from uplands into waterways or wetlands.
- b. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, shall be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
- c. Erosion control measures shall be inspected and maintained daily, or more frequently as necessary, to ensure their continued effectiveness and shall remain in place until all exposed soil is stabilized.
- d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian or wetland areas shall use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the permitted work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.

- e. Where vegetative erosion control is being done on cut slopes steeper than 1H:2V, a tackified seed mulch shall be used so the seed does not wash away before germination and rooting.
- f. Dredged or other excavated material shall be placed on upland areas having stable slopes and shall be prevented from eroding back into waterways or wetlands

Erosion control measures shall be maintained as necessary to ensure their continued effectiveness, until soils become stabilized. All erosion control structures shall be removed when project is complete and soils are stabilized and vegetated.

- 11. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

- 12. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
- 13. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.
- 14. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Department.
- 15. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

#### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

- 16. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.



17. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.
18. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
19. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
20. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
21. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
22. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
23. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
24. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
25. Dredging will not be allowed from public beach areas.
26. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Department of State Lands, and local land use regulations.
27. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

Renewed: December 14, 2004

J:\Attachment\WestLAS\RP Removal Permits\30895-RP-2004.doc

SCHN00319059

Schnitzer Steel

## Fax Transmittal

To: Lori Warner-Dickerson, DSL

From: Jim Jakubiak, SSI

Date: 12/24/2004

Re: Renewed DSL Dredge Permits - SSI

CC: Jerald Ramsden, PB Ports & Marine

3 pages

☐ Urgent

☒ For Use

☐ Please Comment

☒ Please Reply

☐ Please Recycle

Schnitzer Steel Industries, Inc. recently received by mail copies of two renewed "Removal Permits" (Permit Nos. 30895-RP Renewal and 30897-RP Renewal) from the OR. Division of State Lands. Conditions within both permits have been modified. In accordance with General Condition No. 7 of the referenced permits, we respectfully request a hearing with the Director (or duly authorized representatives) to discuss these changes. Attached is correspondence from our consultant outlining some of the issues. Feel free to call me at (503)519-4795

FAXED 12-24-04

SCHN00319060



PB Ports & Marine  
Parsons Brinckerhoff Quade & Douglas, Inc.

FAX

400 SW Sixth Ave., #802  
Portland, OR 97204  
503 274-8772  
503 274-1412 fax

to: Lori Warner-Dickason	from: Jerald D. Ramsden
Oregon Division of State Lands	date: December 24, 2004
	phone 503 274-8772
phone (503) 378-3805 x246	job no.
fax (503) 378-4844	no. of pages (including this cover)

Regarding: Department of State Lands Removal Fill permit No. 30895-RP

I am responding in accordance with General Condition No. 7 of the referenced permit. I object to Special Condition No. 10 as written. In addition, I need additional time to review the permit in its entirety since it arrived only yesterday (December 22, 2004) even though the 10 days listed in the permit for responding under Condition No. 7 expires tomorrow (December 24, 2004).

I understand (per the attached e-mail from Ms. Kelley to Jerald Ramsden of Parsons Brinckerhoff) there are actually 21 days allowed for response under General Condition No. 7. Therefore, I am requesting either a hearing and/or permit modification regarding Special Condition No. 10. In addition, other objections may be identified by us prior January 4, 2005 which is 21 days after the date of issue shown on the permit as December 14, 2004. If other objections are identified they will be transmitted to DSL in writing on or before January 4, 2005.

Attachment A: E-mail from Ms. Kelley of DSL.

SCHN00319061



PB Ports & Marine  
Parsons Brinckerhoff Quade & Douglas, Inc.

FAX

400 SW Sixth Ave., #802  
Portland, OR 97204  
503 274-8772  
503 274-1412 fax

to: Lori Warner-Dickason	from: Jerald D. Ramsden
Oregon Division of State Lands	date: December 24, 2004
	phone 503 274-8772
phone (503) 378-3805 x246	job no.
fax (503) 378-4844	no. of pages (including this cover)

Regarding: Department of State Lands Removal Fill permit No. 30897-RP

I am responding in accordance with General Condition No. 7 of the referenced permit. I object to Special Condition No. 10 as written. In addition, I need additional time to review the permit in its entirety since it arrived only yesterday (December 22, 2004) even though the 10 days listed in the permit for responding under Condition No. 7 expires tomorrow (December 24, 2004).

I understand (per the attached e-mail from Ms. Kelley to Jerald Ramsden of Parsons Brinckerhoff) there are actually 21 days allowed for response under General Condition No. 7. Therefore, I am requesting either a hearing and/or permit modification regarding Special Condition No. 10. In addition, other objections may be identified by us prior January 4, 2005 which is 21 days after the date of issue shown on the permit as December 14, 2004. If other objections are identified they will be transmitted to DSL in writing on or before January 4, 2005.

Attachment A: E-mail from Ms. Kelley of DSL.

SCHN00319062

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
☎ 503-378-3805

Permit No.:	<b>30895-RP Modified</b>
Permit Type:	<b>Removal</b>
Waterway:	<b>Willamette River</b>
County:	<b>Multnomah</b>
Expiration Date:	<b>January 14, 2006</b>
Corps No.:	<b>1992-00812</b>

***SCHNITZER STEEL INDUSTRIES, INC.***

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-378-3805.

Lori Warner-Dickason, Manager  
Western Region Field Operations  
Oregon Department of State Lands

*Lori Warner-Dickason*  
Authorized Signature

December 30, 2004  
Date Issued

## ATTACHMENT A

**Special Conditions for Removal/Fill Permit No. 30895-RP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 101,000 cubic yards (total project) of sand and silt at International Terminals Berths 4 and 5 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. *No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Department and request adjustments to this authorization.*
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 4 and 5, shall be conducted between July 1 and October 31 (any year with valid permit) and between January 1 and January 31, 2004, unless otherwise coordinated with ODFW and approved in writing by ODSL.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Department of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described Application. In the closed position, the bucket shall be sealed so as to minimize sediment resuspension. The barge shall be positioned so as to avoid grounding on the river bed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.

8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Department for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Department of State Lands.

#### **Water Quality Conditions**

10. Dredging activity shall be conducted in strict compliance with the DEQ approved Water Quality Management Plan (WQMP) for the site. The approved WQMP and its contents are incorporated into and become a binding condition of this Permit. The Plan outlines: an effects-based turbidity standard; implementation of action level and stop-work level turbidity thresholds; monitoring protocols; and reporting requirements.
11. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

12. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
13. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.
14. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Department.
15. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

16. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
17. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.
18. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
19. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
20. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
21. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
22. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
23. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
24. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
25. Dredging will not be allowed from public beach areas.
26. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Department of State Lands, and local land use regulations.



27. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

Modified December 30, 2004

J:\Attachment\AwestLAS\RP Removal Permits\30895-RP 2004 Modified 12.30.04.doc



# Oregon

Theodore R. Kulongoski, Governor

CR 192074

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 378-3805  
FAX (503) 378-4844  
www.oregonstatelands.us.

October 3, 2006<sup>5</sup>

JR02/30895

SCHNITZER STEEL INDUSTRIES INC  
ATTN: JIM JAKUBLAK  
PO BOX 10047  
PORTLAND OR 97296-0047

State Land Board

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

RE: Permit No.: 30895-RP  
Waterway: Willamette River, Multnomah County  
Expiration Date: January 14, 2006

Randall Edwards  
State Treasurer

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. Please mark the appropriate box below concerning the status report of the project completion and return this letter, along with the renewal fee if you wish to renew, to our office **no later than November 18, 2006**. You may fax your response to (503) 378-4844 and send your renewal fee with the copy of this billing letter.

**If you wish to renew your permit, please note: Failure to request renewal at least 45 days before permit expiration requires that you resubmit a new application for a permit.**

If you have any questions or need additional applications, please call Field Operations at 378-3805 extension 234.

( ) **DO NOT RENEW:** (please mark one)  
( ) The project has been completed.  
( ) I/We have decided not to do this project.

( ) **PLEASE RENEW:** (please mark all that apply)  
(X) The project has **not** been completed.  
( ) The project has not been started.  
( ) The scope of the project has changed.

( ) **RENEWAL FEE ENCLOSED** (Please remit fee of \$150.00)

James Z. Jachlich  
Authorization Signature

November 15, 2005  
Date

DIVISION OF STATE LANDS  
RECEIVED  
2005 NOV 28 P 2:44

**NOTE:** If we have not received a response to this letter at least 45 days before expiration date noted above, we will consider the project complete and close the file. However, any wetland mitigation requirements (including those relating to the monitoring of wetland mitigation), regardless of the status of your permit, continue to be in force as specified by your permit.

Department of State Lands  
775 Summer Street NE, Suite 10  
Salem, OR 97301-1279  
☎ 503-378-3805

Permit No.:	30895-RP Renewal
Permit Type	Removal
Waterway:	Willamette River
County:	Multnomah
Expiration Date:	January 14, 2007
Corps No.:	1992-00812

**SCHNITZER STEEL INDUSTRIES, INC.**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

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7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-378-3805.

Michael Morales, W Region Manager  
Wetlands & Waterways Conservation Div  
Oregon Department of State Lands

  
Authorized Signature

December 16, 2005  
Date Issued

SCHN00319071

## ATTACHMENT A

**Special Conditions for Removal/Fill Permit No. 30895-RP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 101,000 cubic yards (total project) of sand and silt at International Terminals Berths 4 and 5 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Department and request adjustments to this authorization.
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 4 and 5, shall be conducted between July 1 and October 31 (any year with valid permit) and between January 1 and January 31, 2004, unless otherwise coordinated with ODFW and approved in writing by ODSL.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Department of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described Application. In the closed position, the bucket shall be sealed so as to minimize sediment resuspension. The barge shall be positioned so as to avoid grounding on the river bed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.

8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Department for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Department of State Lands.

#### **Water Quality Conditions**

10. Dredging activity shall be conducted in strict compliance with the DEQ approved Water Quality Management Plan (WQMP) for the site. The approved WQMP and its contents are incorporated into and become a binding condition of this Permit. The Plan outlines: an effects-based turbidity standard; implementation of action level and stop-work level turbidity thresholds; monitoring protocols; and reporting requirements.
11. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

12. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
13. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.
14. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Department.
15. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

16. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
17. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.
18. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
19. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
20. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
21. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
22. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
23. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
24. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
25. Dredging will not be allowed from public beach areas.
26. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Department of State Lands, and local land use regulations.

27. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

Renewed: December 16, 2005

J:\Attachment\westLAS\RP Removal Permits\30895-RP 06.doc



# Oregon

Theodore R. Kulongoski, Governor

CR 200577

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 378-3805

FAX (503) 378-4844

www.oregonstatelands.us.

October 3, 2006

JMR600/30895  
SCHNITZER STEEL INDUSTRIES INC  
ATTN JIM JAKUBIAK  
PO BOX 10047  
PORTLAND OR 97296-0047

State Land Board

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

RE: Permit No.: 30895-RP LAS App. No.: APP0030895  
Waterway: Willamette River, Multnomah County  
Expiration Date: January 14, 2007

Randall Edwards  
State Treasurer

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. Please mark the appropriate box below concerning the status report of the project completion and return this letter. If you wish to renew, also send the renewal fee along with the payment stub to the P.O. Box on the enclosed invoice no later than November 17, 2006. You may fax your response to (503) 378-4844 and send your renewal fee with the copy of this billing letter.

**If you wish to renew your permit, please note: Failure to request renewal at least 45 days before permit expiration requires that you resubmit a new application for a permit.**

You should also be aware that we will be revising Condition #3 of your permit, which addresses the in-water work period. If you have questions, please contact Jevra Brown at extension 297.

If you have any other questions or need additional applications, please call the Wetlands & Waterways Conservation Division at 378-3805 extension 234.

( ) **DO NOT RENEW:** (Please mark one. Do not remit payment.)

- ( ) The project has been completed.  
( ) I/We have decided not to do this project.

(X) **PLEASE RENEW:** (please mark all that apply)

- (X) The project has not been completed.  
( ) The project has not been started.  
( ) The scope of the project has changed.

(X) **RENEWAL FEE ENCLOSED** (Please remit fee of \$150. Attach the invoice payment stub.)

James F. Jakubik  
Authorization Signature

November 11, 2006  
Date

RECEIVED

NOV 27 2006

DIVISION OF STATE LANDS  
REMITTANCE 300.00

**NOTE:** If we have not received a response to this letter at least 45 days before expiration date noted above, we will consider the project complete and close the file. However, any wetland mitigation requirements (including those relating to the monitoring of wetland mitigation), regardless of the status of your permit, continue to be in force as specified by your permit.

J:\Renewal letters\2007\30895-RP.doc

SCHN00319076



## Fax Transmittal

To: Jackie Ross, OR. DSL

From: Jim Jakubiak, Schnitzer Steel

Date: 11/16/2006

Re: Permit Renewal - 30895-RP  
& 30897-RP

CC:

☐ Urgent    ☒ For Use    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

Attached are signed copies of the renewal letters for permits referenced above. If you have questions you can call me at (503) 286-6976.

SCHN00319077

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
☎ 503-378-3805

Permit No.:	<b>30895-RP Renewal</b>
Permit Type:	<b>Removal</b>
Waterway:	<b>Willamette River</b>
County:	<b>Multnomah</b>
Expiration Date:	<b>January 23, 2008</b>
Corps No.:	<b>1992-00812</b>

**SCHNITZER STEEL INDUSTRIES, INC.**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-378-3805.

Michael Morales, W Region Manager  
Wetlands & Waterways Conservation Div  
Oregon Department of State Lands

  
Authorized Signature

January 23, 2007  
Date Issued

SCHN00319078

## ATTACHMENT A

**Special Conditions for Removal/Fill Permit No. 30895-RP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 101,000 cubic yards (total project) of sand and silt at International Terminals Berths 4 and 5 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Department and request adjustments to this authorization.
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 4 and 5, shall be conducted between July 1 and October 31, unless otherwise coordinated with ODFW and approved in writing by ODSL. The recommended in-water work timing may be modified prior to July 1, 2007. Contact the Department prior to start of work to verify in-water work timing.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Department of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described Application. In the closed position, the bucket shall be sealed so as to minimize sediment resuspension. The barge shall be positioned so as to avoid grounding on the river bed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.

8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Department for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Department of State Lands.
10. An annual report shall be submitted to the Department no later than 30 days after the end of the in-water work period each year. The report shall include the amount of material dredged, the final dredge material disposal site and an approximation of the new basin depth.

#### **Water Quality Conditions**

11. Dredging activity shall be conducted in strict compliance with the DEQ approved Water Quality Management Plan (WQMP) for the site. The approved WQMP and its contents are incorporated into and become a binding condition of this Permit. The Plan outlines: an effects-based turbidity standard; implementation of action level and stop-work level turbidity thresholds; monitoring protocols; and reporting requirements.
12. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

13. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
14. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.
15. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Department.

16. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

#### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

17. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
18. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.
19. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
20. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
21. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
22. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
23. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
24. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
25. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.

26. Dredging will not be allowed from public beach areas.
27. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Department of State Lands, and local land use regulations.
28. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

Renewed & Modified: January 23, 2007

G:\WWC\Attachment\westLAS\RP Removal Permits\30895-RP 07 & Modified.doc



PB Ports & Marine  
Parsons Brinckerhoff Quade & Douglas, Inc.

FAX

400 SW Sixth Ave., #802  
Portland, OR 97204  
503 274-8772  
503 274-1412 fax

to: Bob Lobdell	from: Jerald D. Ramsden
Oregon Division of State Lands	date: September 10, 2007
	phone 503 274-8772
Phone: (503) 378-3805 x65282	job no. 14005J3
fax (503) 378-4844	no. of pages (including this cover) 2

REF: Removal Fill Permit No. 30895-RP

**comments:**

Per the attached letter, we requested modifications to the language for removal fill permit No.'s 30895-RP and 30897-RP. The requested language modification was provided for permit No. 30897-RP. However, we never received an updated version of permit No. 30895-RP. For your convenience the requested change was the addition of the following wording:

"when dredging is conducted"

at the end of the first sentence of Condition No. 10 in Attachment A. Can you please make this change and forward a new copy of the permit to our Client: Mr. Jim Jakubiak of Schnitzer Steel Industries, Inc.

Please call me with any questions or if you would like to discuss this.

Mod. Filed  
12-10-07 For renewal  
JHMcLabe  
\$10

Cc: Jim Jakubiak, Schnitzer Steel Industries, Inc.

SCHN00319083



400 SW Sixth Avenue  
Suite 802  
Portland, OR 97204  
503-274-8772  
Fax: 503-274-1412

February 6, 2007

Michael Morales  
Oregon Division of State Lands  
775 Summer St. NE, #100  
Salem, OR 97301-1279

**Regarding: DSL Permit No.'s 30895-RP Renewal and 30897-RP Renewal**

Dear Mr. Morales,

This letter is written in response to the permit renewals dated January 23, 2007. On behalf of our Client Schnitzer Steel Industries, Inc. we are requesting the following changes to the permit language:

**30895-RP**

Attachment A, Condition No. 10: Please include "dredging is conducted" at the end of the first sentence.

**30897-RP**

Attachment A, Condition No. 10: Please include "dredging is conducted" at the end of the first sentence.  
Attachment A, Condition No. 11: Please use the same language as was provided in Condition No. 11 of permit 30895-RP which is consistent with the original water quality condition specified by the U.S. Army Corps of Engineers, Oregon DEQ and Oregon Department of State Lands in the original permits as well as the latest renewal version of 30895-RP.

Please let me know if you have any questions or would like to discuss these requested modifications.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jerald D. Ramsden'.

Jerald D. Ramsden  
PB Ports & Marine  
Parsons Brinckerhoff Quade & Douglas, Inc.

Cc: Jim Jakubiak, Schnitzer Steel Industries, Inc.

Over a Century of  
Engineering Excellence

SCHN00319084





# Oregon

Theodore R. Kulongoski, Governor

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 986-5200  
FAX (503) 378-4844  
www.oregonstatelands.us.

October 1, 2007

JAR600/30895  
SCHNITZER STEEL INDUSTRIES INC  
ATTN JIM JAKUBIAK  
PO BOX 10047  
PORTLAND OR 97296-0047

State Land Board

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

RE: LAS App. No.: 30895-RP Wang Permit No.: NA  
Waterway: Willamette River  
Expiration Date: January 23, 2008

Randall Edwards  
State Treasurer

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. Please mark the appropriate box below concerning the status report of the project completion and return this letter. If you wish to renew, also send the renewal fee along with the payment stub to the P.O. Box on the enclosed invoice **no later than November 15, 2007.**

**If you wish to renew your permit, please note: Failure to request renewal at least 45 days before permit expiration requires that you resubmit a new application for a permit.**

If you have any questions or need additional applications, please call the Wetlands & Waterways Conservation Division at (503) 986-5234.

( ) The project has been completed. Do not renew my permit. I understand that, if my permit requires it, I still have an obligation to complete required mitigation and submit annual monitoring reports.

( ) I/We have decided not to do this project. Do not renew my permit.

( ) The project has not been started. Please renew my permit.

☒ The project has been started, but not completed. I have attached a letter describing the status of the project, including required mitigation. Please renew my permit.

( ) The scope of the project has changed. I have attached a letter describing all proposed changes. Please renew my permit.

If you are requesting renewal, please remit fee of \$250 and attach the invoice payment stub.

  
\_\_\_\_\_  
Authorization Signature

11-8-07  
\_\_\_\_\_  
Date

**NOTE:** If we have not received a response to this letter at least 45 days before expiration date noted above, we will consider the project complete and close the file. However, any wetland mitigation requirements (including those relating to the monitoring of wetland mitigation), regardless of the status of your permit, continue to be in force as specified by your permit.

G:\WWC\Renewal letters\2008\30895-RP.doc

SCHN00319085



**SCHNITZER STEEL INDUSTRIES, INC.**

12005 N Burgard Road, Portland, Oregon 97203  
P.O. Box 10047, Portland, Oregon 97296-0047  
(503) 224-9900 FAX (503) 286-6948

November 8, 2007

Department of State Lands  
Unit 18  
PO Box 4395  
Portland, OR 97208-4395

**SUBJECT: SCHNITZER INTERNATIONAL TERMINAL: REMOVAL-FILL PERMIT  
30895-RP**

To whom it may concern:

Schnitzer Steel Inc. conducted maintenance dredging at the ship berths at International Terminals located on the Willamette River in Portland, Oregon in 2004. Additional dredging will be required in the future and will be conducted in compliance with the permit issued.

We would be happy to answer any questions you have related to this project. Please contact me at (503) 519-4795 or Mat Cusma at (503) 286-6944.

Sincerely yours,  
**Schnitzer Steel Industries, Inc.**

*for*   
Jim Jakubiak

SCHN00319086

Renewal or Expiration Information

Coordinator: Mike Please respond by: \_\_\_\_\_

☒ **Renewal was requested:**

☒ Fees Paid \$250 11/19/07

File OK to renew:

☒ YES

☐ NO

Permit Conditions Update Needed:

☐ YES

☐ NO

PRP Needed:

☐ YES

☐ NO

Multi-Year ☐ YES ☐ NO If yes, then number of years ☐ 3 yr ☐ 5 yr

Permit # 30895-RP Permit Expires: 1-23-08

☐ **File expiration:**

☐

Requested by applicant

☐ w/ CWM monitoring?

☐

No response to renewal letter

Closure Rationale:

☐

Project completed

☐

Did not pay renewal fee

☐

Other: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

J:\\_Forms\Misc\RenewalExpiration form.doc

SCHN00319087

Department of State Lands  
775 Summer Street NE, Suite 0  
Salem, OR 97301-1279  
☎ 503-378-3805

Permit No.:	30895-RP Renewal
Permit Type:	Removal
Waterway:	Willamette River
County:	Multnomah
Expiration Date:	January 23, 2009
Corps No.:	1992-00812

**SCHNITZER STEEL INDUSTRIES, INC.**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-378-3805.

Kevin Moynahan, Assistant Director  
Wetlands & Waterways Conservation Div  
Oregon Department of State Lands

  
Authorized Signature

December 10, 2007  
Date Issued

SCHN00319088

## **ATTACHMENT A**

**Permittee: Schnitzer Steel Products Co.**

**Special Conditions for Removal/Fill Permit No. 30895-RP**

**PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 101,000 cubic yards (total project) of sand and silt at International Terminals Berths 4 and 5 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Department and request adjustments to this authorization.
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 4 and 5, shall be conducted between July 1 and October 31, unless otherwise coordinated with ODFW and approved in writing by ODSL. The recommended in-water work timing may be modified prior to July 1, 2007. Contact the Department prior to start of work to verify in-water work timing.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Department of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described Application. In the closed position, the bucket shall be sealed so as to minimize sediment suspension. The barge shall be positioned so as to avoid grounding on the riverbed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.
8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Department for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Department of State Lands.

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10. An annual report shall be submitted to the Department no later than 30 days after the end of the in-water work period when dredging is conducted. The report shall include the amount of material dredged, the final dredge material disposal site and an approximation of the new basin depth.

#### **Water Quality Conditions**

11. Dredging activity shall be conducted in strict compliance with the DEQ approved Water Quality Management Plan (WQMP) for the site. The approved WQMP and its contents are incorporated into and become a binding condition of this Permit. The Plan outlines: an effects-based turbidity standard; implementation of action level and stop-work level turbidity thresholds; monitoring protocols; and reporting requirements.
12. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

13. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
14. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.
15. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Department.
16. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

#### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

17. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
18. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.

- Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
20. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
  21. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
  22. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
  23. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
  24. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
  25. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
  26. Dredging will not be allowed from public beach areas.
  27. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Department of State Lands, and local land use regulations.
  28. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

Renewed & Modified: December 10, 2007

G:\WWCA\AttachmentA\westLAS\RP Removal Permits\30895-RP 08 & Modified.doc

SCHN00319091



US Army Corps  
of Engineers  
Portland District

# JOINT

## PERMIT APPLICATION FORM

THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES



AGENCIES WILL ASSIGN NUMBERS

Corps Action ID Number

Oregon Division of State Lands Number

30897-RP

SEND ONE SIGNED COPY OF YOUR APPLICATION TO EACH AGENCY

District Engineer  
ATTN: CENWP-OP-GP  
P.O. Box 2946  
Portland, OR 97208-2946  
503-808-4373

State of Oregon  
Division of State Lands  
775 Summer Street N.E.  
Salem, OR 97310  
503-378-3805

RECEIVED

JUL 09 2003

DIVISION OF STATE LANDS

1. **APPLICANT NAME:** Schnitzer Steel Industries, Inc.  
Address: PO Box 10047  
Portland, OR 97296-0047  
Attn: Jim Jakubiak  
Business Phone #: (503) 224-9900  
Home Phone #: N/A  
FAX #: (503) 286-6948

☐ Co-Applicant

☒ Authorized Agent

☐ Contractor

Name: Jerald Ramsden  
Address: Parsons Brinckerhoff Quade & Douglas, Inc.  
400 SW 6th Ave., Suite 802  
Portland, OR 97204

Business Phone #: (503) 274-8772  
Home Phone #: N/A  
FAX #: (503) 274-1412

Property Owner (if different than applicant)

Name: Schnitzer Investment Corporation  
Address: P.O. Box 10047  
Portland, OR 97296-0047

Business Phone #: (503) 224-9900  
Home Phone #: N/A  
FAX #: N/A

### 2. PROJECT LOCATION

Street, road or other descriptive location  
International Terminals  
12005 N. Burgard Rd.

Legal Description

Quarter	Section	Township	Range
SW	35	<input checked="" type="checkbox"/> North <input type="checkbox"/> South	<input type="checkbox"/> East <input checked="" type="checkbox"/> West

In or Near (City or Town) Portland County Multnomah Tax Map # 2N1W35 Tax Lot # 500  
Waterway Willamette River River Mile 3.6 Latitude 45° 36' 41" N Longitude 122° 46' 42" W

Is consent to enter property granted to the Corps and the Division of State Lands? ☒ Yes ☐ No

### 3. PROPOSED PROJECT INFORMATION

Activity Type: ☐ Fill ☒ Excavation (removal) ☐ In-Water Structure ☐ Maintain/Repair an Existing Structure

Brief Description: Maintenance dredging to provide safe navigation access to and berthing within the International Terminals slip (Berths 1, 2 and 3)

Fill will involve N/A cubic yards annually and/or cubic yards for the total project  
cubic yards in a wetland or below the ordinary high water or high tide line

Fill will be: ☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organics ☐ Other

Fill Impact Area is Acres; length; width; depth

Removal will involve 25,000 cubic yards annually and/or 127,000 cubic yards for the total project  
every other year on average (i.e. 77,000 initially and 50,000 thereafter)  
127,000 cubic yards below the ordinary high water or high tide line

SCHN00319121



Removal will be: ☐ Riprap ☐ Rock ☐ Gravel ☒ Sand ☒ Silt ☐ Clay ☐ Organics ☐ Other \_\_\_\_\_

Removal Impact Area is 9.6 first year, Acres; 2250 ft length; 120 ft typical width; Varies: max depth  
6.0 thereafter (270 ft max.) between -42 ft CRD and -24 ft CRD

Is the Disposal area: Upland? ☒ Yes ☐ No Wetland/Waterway? ☐ Yes ☒ No

Are you aware of any Endangered Species on the project site?

Are you aware of any Cultural Resources on the project site?

Is the project site near a Wild and Scenic River?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>

If Yes, please explain in the project description (on page 2, block 4).

**4. PROPOSED PROJECT PURPOSE AND DESCRIPTION**

Project Purpose and Need: Presented in attached supplemental sheets.

Project Description: Presented in attached supplemental sheets.

How many project drawing sheets are included with this application? 3

**NOTE:** A complete application must include drawings and a location map submitted on separate 8-1/2 x 11 sheets.

Will any material, construction debris, runoff, etc. enter a wetland or waterway? ☐ Yes ☒ No

If yes, describe the type of discharge (above) and show the discharge location on the site plan.

Estimated Start Date August 15, 2003

Estimated Completion August 14, 2008  
Date

**5. PROJECT IMPACTS AND ALTERNATIVES**

Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland.

Presented in attached supplemental sheets.

Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland.

Presented in attached supplemental sheets.

**NOTE:** If necessary, use additional sheets.

**6. ADDITIONAL INFORMATION**

Adjoining Property Owners and Their Addresses and Phone Numbers.

Port of Portland	Northwest Terminal Company
121 NW Everett	P.O. Box 99007
Portland, OR 97209	Seattle, WA 98199-0007
(503) 944-7000	

Has the proposed activity or any related activity received the attention of the Corps of Engineers or the State of Oregon in the past, e.g., wetland delineation, violation, permit, lease request, etc.?

☒ Yes ☐ No

If yes, what identification number(s) were assigned by the respective agencies?

Corps # 199100099

State of Oregon# 1055

SCHN00319123

7. CITY/COUNTY PLANNING DEPARTMENT AFFIDAVIT (to be completed by local planning official)

- ☐ This project is not regulated by the local comprehensive plan and zoning ordinance.
- ☒ This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.  
*(not approving upland disposal site)*
- ☐ This project has been reviewed and is not consistent with the local comprehensive plan and zoning ordinance.
- ☐ Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:

- ☐ Conditional Use Approval
- ☐ Development Permit
- ☐ Plan Amendment
- ☐ Zone Change
- ☐ Other

An application ☐ has ☐ has not been made for local approvals checked above.

Mitch Laff  
Signature (of local planning official)

City Planner  
Title

Portland  
City/County

6/27/03  
Date

8. COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement which will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 1175 Court Street N.E., Salem, Oregon 97310 or call 503-373-0050.

**Certification Statement**

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

\_\_\_\_\_  
Print/Type Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

9. SIGNATURE FOR JOINT APPLICATION (REQUIRED)

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority including the necessary requisite property interests to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirements of obtaining the permits requested before commencing the project. I understand that local permits may be required before the state removal-fill permit is issued. I understand that payment of the required state processing fee does not guarantee permit issuance.

James L. Jakubik  
Print/Type Name (applicant)

Environmental Administrator  
Title

James L. Jakubik  
Applicant Signature (applicant)

June 27, 2003  
Date

I certify that I may act as the duly authorized agent of the applicant.

Jerald D. Ramsden  
Print/Type Name

Lead Coastal Engineer  
Title

Jerald D. Ramsden  
Authorized Agent Signature

June 27, 2003  
Date

**SUPPLEMENTAL WETLAND IMPACT INFORMATION\***  
(FOR WETLAND FILLS ONLY)

**Site Conditions of impact area**

Impact area is: ☐ Ocean ☐ Estuary ☒ River ☐ Lake ☐ Stream ☐ Freshwater Wetland

**Note:** Estuarian Resource Replacement is required by state law for projects involving intertidal or tidal marsh alterations. A separate Wetlands Resource Compensation Plan may be appended to the application.

Has a wetland delineation been completed for this site? ☐ Yes ☒ No

If yes, by whom:

Describe the existing physical and biological character of the wetland/waterway site by area and type of resource (use separate sheets and photos, if necessary).

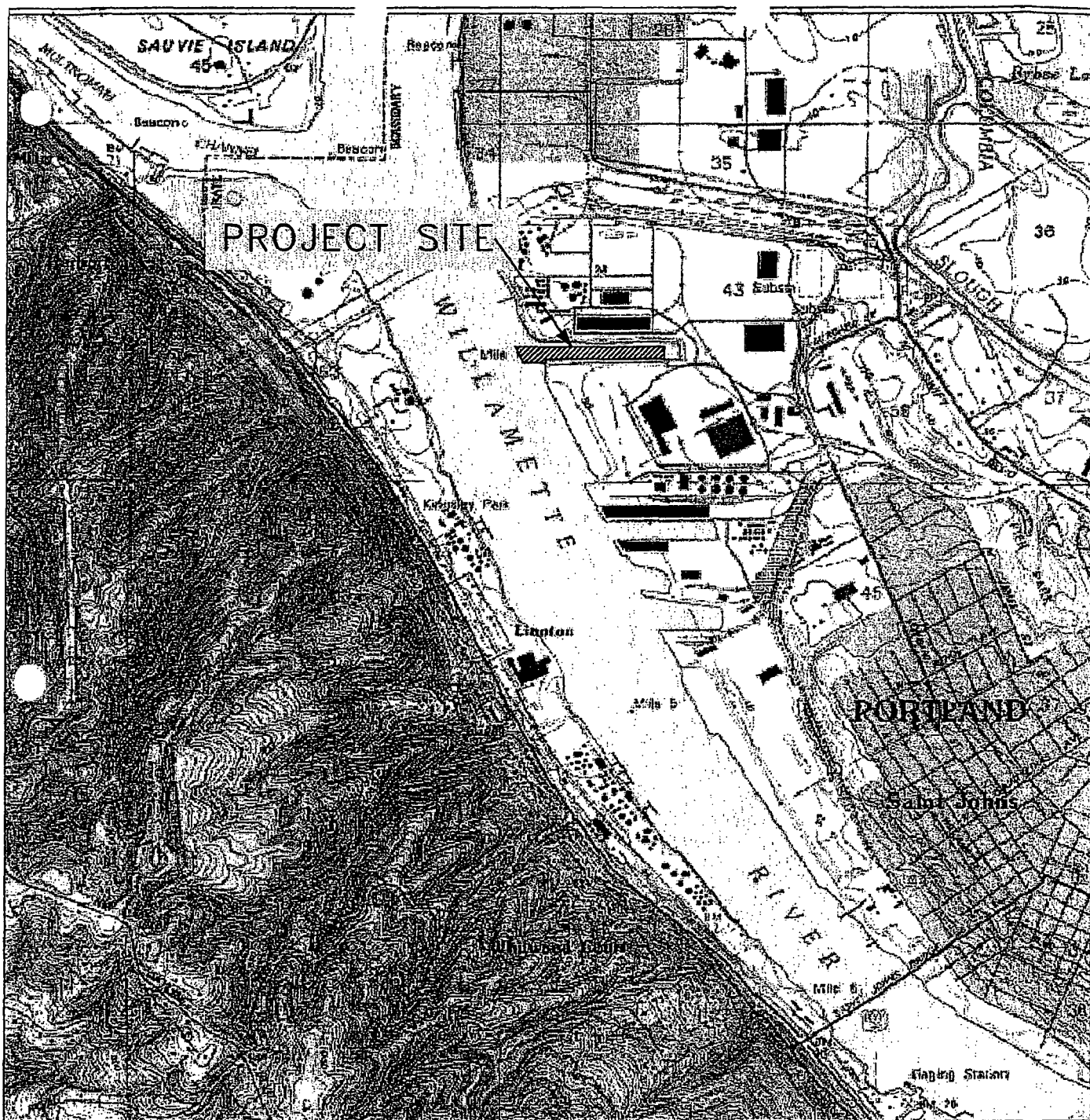
Presented in the attached Biological Assessment

**Resource Replacement Mitigation**

Describe measures to be taken to replace unavoidably impacted wetland resources.

No wetland resources are affected by the proposed work. Therefore, no mitigation is proposed.

\* Because this information is not necessary for a complete application, you may submit this sheet and other environmental information after submitting your application.



NOTE 1. LOCATION MAP OBTAINED FROM US GEOLOGICAL SURVEY  
QUAD SHEET FOR LINNTON, OR

Scale in Feet  
0 1000 2000

PURPOSE: MAINTAIN NAVIGATION ACCESS  
AND BERTHS FOR SHIPS  
AND BARGES

VERTICAL DATUM: COLUMBIA RIVER DATUM  
(CRD), CRD IS 1.6' ABOVE NGVD  
AT WILLAMETTE RIVER MILE 3.6

ADJACENT PROPERTY OWNERS:  
1. NORTHWEST TERMINAL COMPANY  
2. PORT OF PORTLAND

LATITUDE: 45° 36' 41" N  
LONGITUDE: 122° 46' 42" W

PROPOSED MAINTENANCE DREDGING  
AT INTERNATIONAL TERMINALS

IN: WILLAMETTE RIVER  
AT: RIVER MILE 3.6  
COUNTY OF: MULTNOMAH  
APPLICATION BY: SCHNITZER STEEL  
INDUSTRIES, INC.  
SHEET 1 OF 3 DATE: 5/29/03

SCHN00319126

## SUPPLEMENTAL DATA

### Joint Application for Maintenance Dredging International Terminals Slip (Berths 1, 2 and 3), Portland, Oregon

#### 4. PROPOSED PROJECT PURPOSE AND DESCRIPTION

##### Project Purpose and Need

The project purpose is to maintain safe navigation access and berthing for the dock facilities at the International Terminals slip (as shown in Sketch 1 of 3, attached) by conducting periodic maintenance dredging as needed. The slip and associated berths are an existing facility and have been maintained under previous maintenance dredging permits (U.S. Army Corps of Engineers Section 10/404 Permit #199100099 and Oregon Division of State Lands Removal-Fill Permit No. 1055).

The docks and berths at the International Terminals slip currently support metal recycling operations as well as barge and ship dismantling operations. The facility is also used to import bulk cargo such as manganese, pig iron, steel coils and steel slabs. The slip contains three berths and 1,680 feet of docking facilities. The site was originally developed in the early 1940's for military ship construction. Over the past three decades, the site has been primarily used to support metal recycling and vessel dismantling operations.

Due to shoaling at the mouth of the slip and within the berths, there is a critical and urgent need to maintain these facilities. In the fall of 2002 an incoming ship was required to dock and offload several thousand tons of cargo prior to arrival at the International Terminals slip. Subsequent to that event, a meeting was held with the Columbia River Pilots (Pilots) to determine the minimum acceptable conditions needed for safe navigation access and berthing in the slip given the draft, length and width of vessels that will use this facility over the next five years. A letter summarizing the Pilots' suggestions from these meetings is attached to this application. The proposed dredge prism shown in the attached sketches was developed based on the suggestions from the Pilots in addition to other engineering considerations such as slope stability.

##### Project Description

The project involves dredging the area to a maximum depth of -42 ft Columbia River Datum (CRD), -38 ft CRD or -24 ft CRD depending on location within the slip as shown in Sketches 2 and 3 of 3, attached. The proposed dredge footprint covers an area of approximately 9.6 acres with a maximum length of 2250 ft and maximum width of 270 ft. The proposed dredge footprint lies entirely within the previously permitted dredge area shown in Sketch 2 of 3 by the dashed-dot line. The initial dredge volume associated with the proposed dredge prism is 77,000 cy. Authorization for an additional 50,000 cy is requested for the remainder of the permit duration (i.e. 25,000 cy every other year on average in years two through five, based on a five year permit). Dredging will be by clamshell bucket with transport to approved upland facilities and/or locations by barge, truck and/or rail.

Recent sediment sampling results are attached to this application and have been utilized in development of the Biological Assessment.

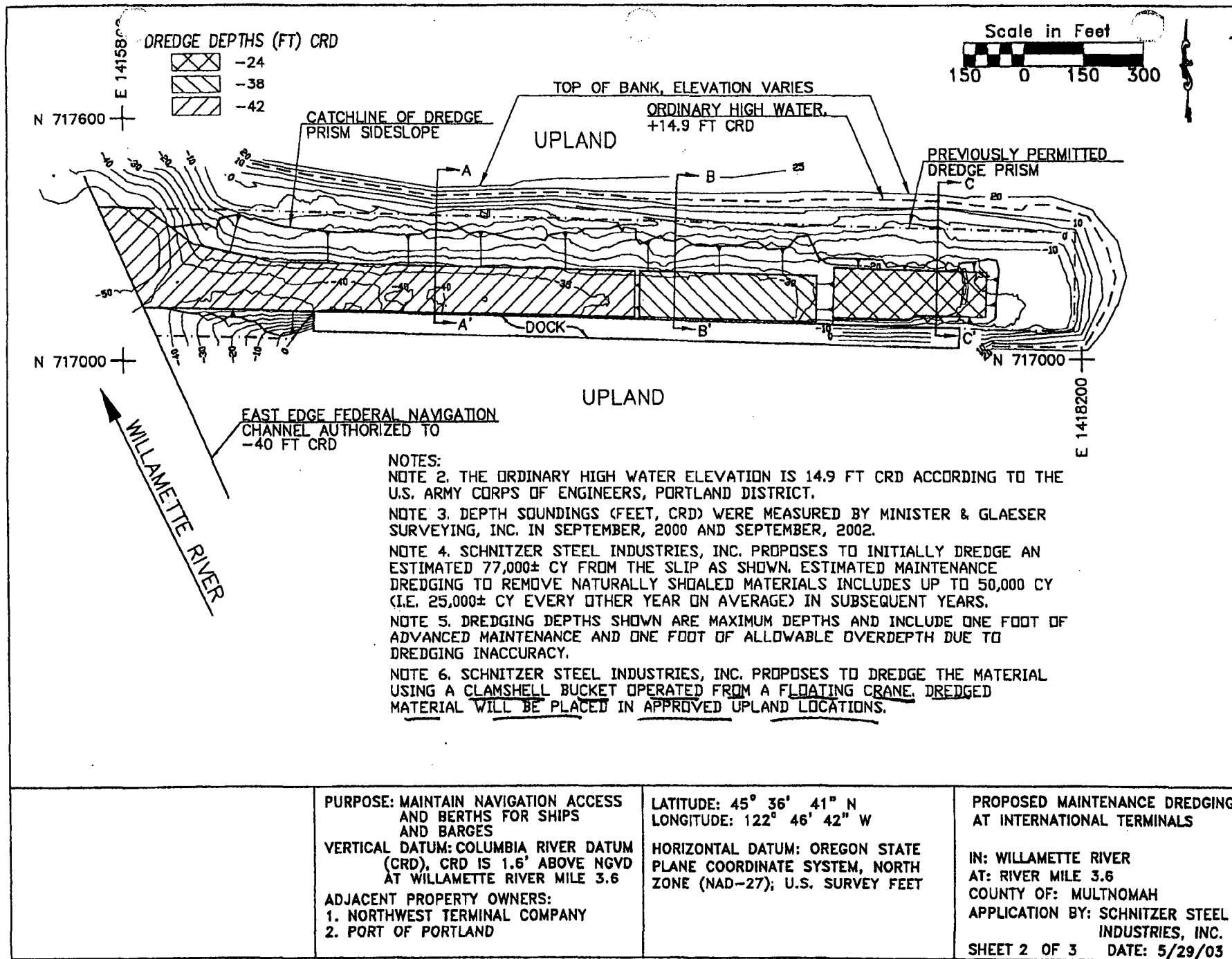
## **5. PROJECT IMPACTS AND ALTERNATIVES**

**Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland.**

No alternatives were considered for maintenance dredging in the existing entrance channel and berths since this slip is an existing and previously permitted facility. As outlined in the attached letter from the Pilots, the proposed dredge prism is the minimum needed to provide safe navigation access and berthing. The proposed dredge prism covers less area than authorized in previous permits. The site is designated for marine industrial use by the Lower Willamette River Management Plan, which recognizes the important need to protect and fully utilize the limited areas of Portland Harbor so designated.

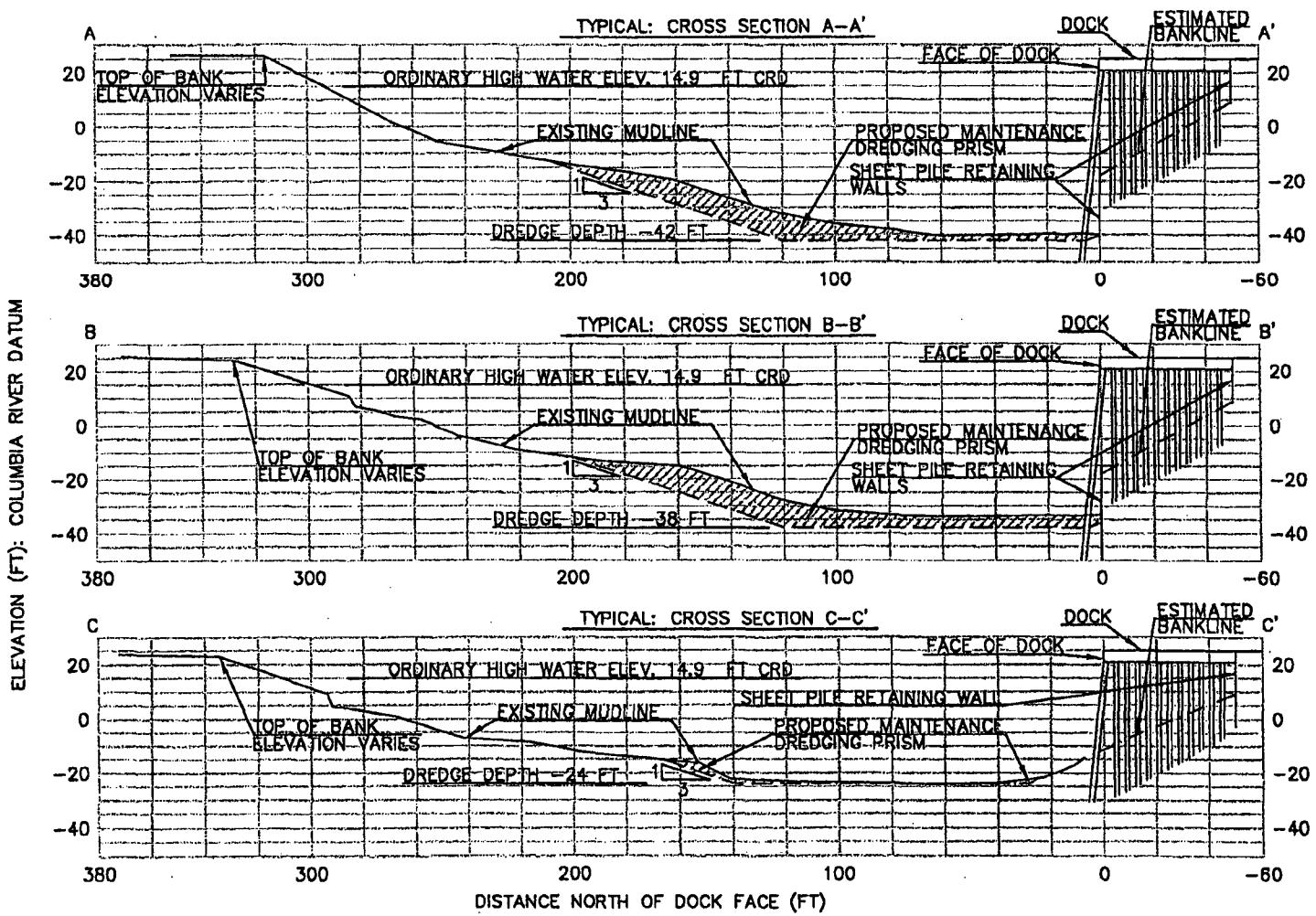
**Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland.**

Construction will be conducted during an allowable fish-related inwater work period, although the emergency need and permitting time frame may require extension of the regularly scheduled Oct. 31 and/or Jan. 31 closure to allow completion of the project. Best management practices will be utilized during maintenance dredging as outlined in the Programmatic Biological Opinion (National Marine Fisheries Service dated June 14, 2002 that covers maintenance dredging of existing port terminals) and the Corps of Engineers Nationwide Permit (that includes maintenance dredging) to protect water quality and benthic resources. The proposed dredging will provide one foot of advanced maintenance (already accounted for in the maximum proposed dredge depths) to reduce to the extent practicable the frequency of maintenance dredging events.



SCHN00319129





PURPOSE: MAINTAIN NAVIGATION ACCESS  
 AND BERTHS FOR SHIPS  
 AND BARGES  
 VERTICAL DATUM: COLUMBIA RIVER DATUM  
 (CRD), CRD IS 1.6' ABOVE NGVD  
 AT WILLAMETTE RIVER MILE 3.6  
 ADJACENT PROPERTY OWNERS:  
 1. NORTHWEST TERMINAL COMPANY  
 2. PORT OF PORTLAND

LATITUDE: 45° 36' 41" N  
 LONGITUDE: 122° 46' 42" W  
 SCALE: AS SHOWN

PROPOSED MAINTENANCE DREDGING  
 AT INTERNATIONAL TERMINALS  
 IN: WILLAMETTE RIVER  
 AT: RIVER MILE 3.6  
 COUNTY OF: MULTNOMAH  
 APPLICATION BY: SCHNITZER STEEL  
 INDUSTRIES, INC.  
 SHEET 3 OF 3 DATE: 5/29/03



**PB Ports & Marine, Inc.**

A Parsons Brinckerhoff  
Company

400 SW Sixth Avenue  
Suite 802  
Portland, OR 97204  
503-274-8772  
Fax: 503-274-1412

July 8, 2003

Attn: Ms. Mary Headley  
U.S. Army Corps of Engineers  
Regulatory - CENWP-CO-GP  
333 SW First Avenue  
Portland OR 97208-2946

Attn: Mr. Kirk Jarvie  
Oregon Division of State Lands  
775 Summer St. NE, Suite 100  
Salem OR 97301-1279

Enclosed are the Joint Permit Application Forms and supporting documents for maintenance dredging at two different facilities (i.e. one permit application for each facility) located at the Schnitzer Steel Industries International Terminals site, Willamette River, Portland, Oregon. Please note that these permit applications are for maintenance dredging in existing facilities that have been previously permitted.

There is a critical need to re-establish safe navigation access and berthing depths in all of these facilities but the need in the International Terminals Slip (i.e. Berths 1, 2 and 3) is particularly acute. During low water last fall a ship was forced to offload several thousand tons of cargo in Longview due to limited access and berth depths in the International Terminals Slip. Shortly after that event the Columbia River Pilots were consulted. A letter outlining the Pilots navigational needs is attached to the permit application for the Slip.

Safe transit and berthing by deep draft ships will become critical by late summer as the Columbia and Willamette system reaches lower flows and river stages. Therefore, your assistance to expedite permits review and processing is very much appreciated.

Please call if you have questions about the proposed project.

Best regards,

Jerald Ramsden  
PB Ports & Marine  
Parsons Brinckerhoff Quade & Douglas, Inc.

- Encls: 1) Permit application, biological assessment and sediment data report for the Slip  
(Berths 1-3)  
2) Permit application, biological assessment and sediment data report for Berths 4 and 5

Over a Century of  
Engineering Excellence

SCHN00319131

**INTERNATIONAL TERMINALS (BERTHS 1, 2, AND 3)  
MAINTENANCE DREDGING  
BIOLOGICAL ASSESSMENT  
Portland, Oregon**

*Prepared for*  
**Parsons Brinckerhoff**  
*400 SW Sixth Street, Suite 802  
Portland, OR 97204*

*Prepared by*  
**MCS Environmental, Inc.**  
*6505 - 216<sup>th</sup> Street SW, Suite 100  
Mountlake Terrace, WA 98043*

July 8, 2003  
34088-001

SCHN00319132

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## International Terminals (Berths 1, 2, and 3) Maintenance Dredging

### 1.0 INTRODUCTION

Section 7 of the Endangered Species Act (ESA) requires that actions of federal agencies to ensure that any action carried out by the agency is "not likely to jeopardize the continued existence of any [listed] species or result in the destruction or adverse modification of habitat of such species...." Issuance of a federal permit is an agency action pursuant to Section 7. falls under this requirement.

Schnitzer Steel Industries, Inc. (SSI) is applying for a permit from the US Army Corps of Engineers (Corps) to conduct maintenance dredging of Berths 1, 2, and 3 of the International Terminals slip. This requires a Section 10/404 permit from the Corps, which qualifies as an action by a federal agency for purposes of and therefore must comply with Section 7 of the ESA. Pursuant to Section 7, the Corps is required to produce a biological evaluation (BE) of the potential effect of issuing the permit on listed species or their critical habitat. To help the Corps evaluate the potential effects of the proposed project on listed species, MCS Environmental, Inc. (MCS) has prepared this Biological Assessment (BA) on the behalf of SSI.

To determine if listed species or their critical habitat are in the vicinity of the proposed project, MCS consulted the National Marine Fisheries Service (NMFS), Northwest Region <<http://www.nwr.noaa.gov/esalist.htm>> and sent a written request to the US Fish and Wildlife Service (USFWS). Based on information from the NMFS Website and a response from USFWS (McMaster, K., USFWS, pers. com., June 12, 2003; Appendix A), the following listed species may occur in the project area and are therefore addressed in this BE:

- ◆ Lower Columbia River chinook salmon (*Oncorhynchus tshawytscha*), listed as threatened in 1999.
- ◆ Upper Willamette River chinook salmon (*O. tshawytscha*), listed as threatened in 1999.
- ◆ Columbia River run chum salmon (*O. keta*), listed as threatened in 1999.
- ◆ Lower Columbia River steelhead trout (*O. mykiss*), listed as threatened in 1998.
- ◆ Upper Willamette River steelhead trout (*O. mykiss*), listed as threatened in 1999.
- ◆ Bald eagle (*Haliaeetus leucocephalus*), listed as threatened in 1978.
- ◆ Water howellia (*Howellia aquatilis*), listed as threatened in 1994.

This BA also addresses southwestern Washington–Columbia River coastal cutthroat trout (*O. clarki clarki*), a species proposed for listing and Lower Columbia River–Southwest Washington coho salmon (*O. kisutch*), a candidate for listing. Should cutthroat trout or coho salmon become listed during the life of the proposed project, this BA could be used to aid the Corps during any subsequent Section 7 consultation with NMFS related to these species.

Golden paintbrush (*Castilleja levisecta*), Willamette daisy (*Erigeron decumbens* var. *decumbens*), Bradshaw's lomatium (*Lomatium bradshawii*), Kincaid's lupine (*Lupinus sulphureus* var. *kincaidii*), and Nelson's checker-mallow (*Sidalcea nelsoniana*) are species listed as threatened or endangered but are not addressed in this BA because the habitats required by these species are not within the action area (Federal Register Vol. 58, No. 28; Vol. 62, No. 112; and Vol. 65, No. 16).

## 2.0 PROJECT DESCRIPTION

### 2.1 PROJECT AND ACTION AREAS

The "project area" is defined as Berths 1, 2, and 3 of International Terminals slip on the Willamette River at Section 35, Township 2N, Range 1W (Figure 1). Photographs of the project area are in Appendix B.

The "action area" for fish resources is defined as the International Terminals slip, from the head of the slip to its mouth. The "action area" for avian species is defined as a one-mile radius around the project area.

### 2.2 PROPOSED ACTION DESCRIPTION

SSI proposes to conduct maintenance dredging of Berths 1, 2, and 3 at the International Terminals slip to maintain safe navigation access and berthing for the dock facilities by conducting periodic maintenance dredging as needed. The slip and associated berths have been maintained under previous maintenance dredging permits (US Army Corps of Engineers Section 10/404 Permit #199100099 and Oregon Division of State Lands Removal-Fill Permit No. 1055). The site is designated for marine industrial use by the Lower Willamette River Management Plan, which recognizes the need to protect and fully use the limited areas of Portland Harbor so designated. Over the past three decades, the site has been primarily used to support metal recycling and vessel dismantling operations.

Shoaling at the mouth of the slip and within the berths has created a critical and urgent need to maintain these facilities. In the fall of 2002 an incoming ship was required to dock and offload several thousand tons of cargo before docking at the International Terminals slip. Afterwards, a meeting was held with the Columbia River Pilots (Pilots) to determine the minimum acceptable



conditions needed for safe navigation access and berthing in the slip, given the draft, length and width of vessels that will use this facility over the next five years. The proposed dredge prism is based on suggestions from the Pilots (Appendix C) and engineering considerations such as slope stability (Figures 2 and 3).

The project involves dredging the area to a maximum depth of -42 feet Columbia River Datum (CRD), -38 feet CRD, or -24 feet CRD depending on location within the slip (Figures 2 and 3). The proposed dredge footprint covers about 9.6 acres with a maximum length of 2,250 feet and maximum width of 270 feet. The proposed dredge footprint lies entirely within the previously permitted dredge area and covers less area than authorized in previous permits. The initial dredge volume associated with the proposed dredge prism is 77,000 cubic yards (cy). Over the remainder of the permit duration SSI proposes to dredge another 50,000 cy as needed for ongoing maintenance (e.g. 25,000 cy every other year on average in years two through five as shown in Table 1). Dredging will be by clamshell bucket, with transport to approved upland facilities or locations by barge, truck or rail. Factors such as bucket impact, penetration, withdrawal, and dewatering have been identified as contributing to the resuspension of sediment during clamshell dredge operation (e.g., Hayes et al. 1988). Most of the dewatering will occur as the clamshell excavates and transfers the individual load, which occurs with all dredging operations. The material will have high water content, and some release is expected. The rate at which suspended sediments settle back to the bottom is generally exponential with rapid declines within 200 to 400 feet (Collins 1995). Because of this rapid resettlement, it is anticipated that the area experiencing higher turbidity levels would be relatively small.

The proposed action (i.e. maintenance dredging of an existing facility using a clamshell bucket) and site conditions (see Section 3.0) are consistent with the conditions specified in the *Programmatic Biological Assessment for Categories of Activities Requiring Department of the Army Permits* (Corps 2000b) and NMFS biological opinion of the programmatic BA (NMFS 2002).

## 2.3 CONSERVATION MEASURES

Construction would occur during times when chinook and chum salmon and steelhead trout are least likely to be present in the action area. All in-water work is scheduled for the in-water work window for the Willamette River (from July 1 through October 1 and December 1 through January 31). However, the urgency of the initial dredge and the permitting time frame may require some work during the regularly scheduled closure to allow completion of the initial dredge. Some construction may occur during the bald-eagle wintering season (October 31 – February 31).

In addition to timing in-water work to avoid the juvenile migration period, SSI proposes to use best management practices during maintenance dredging as outlined in NMFS (2002) and the Corps Nationwide Permit for maintenance dredging to protect water quality and benthic resources. The

proposed dredging will provide one foot of advanced maintenance (already accounted for in the maximum proposed dredge depths) to minimize maintenance dredging events.

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water work will be conducted during periods when few if any juvenile anadromous fish will be present.

Juvenile salmon have been shown to avoid areas of high turbidities (e.g., Servizi 1988), although they may seek out areas of moderate turbidity (10 to 80 nephelometric turbidity units [NTU]), presumably as cover against predation (Cyrus and Blaber 1987a, 1987b). Feeding efficiency of juveniles is also impaired by turbidities over 70 NTU, well below sub-lethal stress levels (Bisson and Bilby 1982). Reduced preference by adult salmon homing to spawning areas has been demonstrated where turbidities exceed 30 NTU (20 mg/L suspended sediments). However, chinook salmon exposed to 650 mg/L of suspended volcanic ash were still able to find their natal water (Whitman et al. 1982). Based on these data, it is unlikely that the locally elevated turbidities generated by the proposed action would directly affect juvenile or adult salmonids that may be present.

Short-term effects from increased turbidity are expected during dredging, but these effects from sediment resuspension should be only temporary. Dredging is not expected to result in any long-term adverse changes in levels of chemical contamination, temperature, or dissolved oxygen. Therefore, the net effects of dredging will be to maintain water quality in the project area.

### **3.3 FLOW AND CURRENT PATTERNS**

#### **3.3.1 Existing Conditions**

Flows in the Willamette River are controlled by 13 impoundments on several of its larger tributaries and by the Willamette Falls at RM 26.5. Below the falls, the Willamette River is tidally influenced by the Pacific Ocean a hundred miles to the west as well as flow conditions in the Columbia River (Corps 2000a). The width of the Willamette River at the project site is approximately 1,700 feet wide during typical river flows with maximum depths of approximately -50 feet CRD in the vicinity of the International Terminals slip.

#### **3.3.2 Effects of the Action**

The proposed maintenance dredging is not expected to alter flow or current patterns of the river since most of the dredging is located within the slip and proposed changes in the bathymetry near the slip mouth are minor in relation to the cross sectional area of the river at this location.

### 3.0 EXISTING ENVIRONMENTAL CONDITIONS AND EFFECTS OF THE ACTION

This section discusses existing environmental conditions and any temporary and permanent effects of project activities (Section 2.2), as well as the net effects of those activities (Table 2). It discusses only those environmental attributes and associated components of habitat quality that are important to the listed species addressed, and that are likely to be affected by the project in some way.

#### 3.1 GENERAL

##### 3.1.1 Existing Conditions

Approximately half of the Lower Willamette River flows through forested areas, one third through agricultural areas, and five percent through urban areas, such as Portland. The International Terminals slip is located at river mile (RM) 3.5 in Portland. Land use surrounding the site is primarily industrial, and riverbanks have been heavily modified with riprap or bulkheads. Berths 1 through 3 are located in the International Terminals slip adjacent to the Burgard Yard. The docks and berths at the slip currently support metal recycling and barge and ship dismantling. The site was originally developed in the early 1940's for military ship construction. These berths are also used to import bulk cargo such as manganese, pig iron, steel coils, and steel slabs. The slip contains three berths and 1,680 feet of docks.

##### 3.1.2 Effects of the Action

The proposed project will not result in increased boat traffic or associated noise.

A clamshell dredge will be used for the proposed project. Increased noise from dredging may cause salmonids, other fish species, and bald eagles to avoid the area during construction. Clamshell buckets are not expected to entrain juvenile, sub-adult, or adult salmonids, but may entrain demersal fish and epibenthic invertebrates.

Results of studies on the effects of waterborne sound on fish behavior have been ambiguous and do not allow for prediction of responses (Popper and Carlson 1998). The level at which fish can detect sound depends upon the level of background noise. Sound must be at least 10 dB more intense than background noise to avoid being masked by ambient noise at the same or nearby frequencies (Tavolga 1971). Popper and Carlson (1998) note that the effects of noise depend greatly on the flow field in which the noise occurs. The level of ambient or background noise can drastically reduce a fish's ability to detect other sounds. Wind and precipitation at the surface, water turbulence, animal sounds, human activity and many other factors create significant levels of underwater noise (ICES 1994, Richardson et al. 1995, and H. Cleator, pers. com. as cited in Stewart 2001). Since most

background noise is within the hearing range of fishes, the noise generated by background conditions and river flows adjacent to the project area will probably modify the reaction of fish to noise generated by the project

Above-water noise and movement of machinery at the site are much more likely to frighten away fish predators such as kingfishers, herons, grebes, and mergansers, than in-water noise is to frighten fish into areas where they might be more vulnerable to predators such as native char, cutthroat trout, and juvenile coho salmon.

The proposed maintenance dredging will allow present operations to continue, and noise generated will not differ much from existing operations at this site and many other sites along the Willamette River. Because the primary noise sources will be about 50 feet from shore, smaller juvenile salmonids moving along the shoreline would likely remain nearshore, rather than moving offshore toward the noise. Fish traveling downstream in the channel would avoid moving barges and tugs by moving away from the vessel path and diving deeper. Because of expected low densities of potential fish predators on juvenile salmonids in mid-channel, this short-term avoidance behavior is unlikely to result in increased predation losses.

## **3.2 WATER QUALITY AND STORMWATER**

### **3.2.1 Existing Conditions**

Urbanization has reduced water quality in the area via direct inputs of municipal and industrial discharges and indirect inputs from agricultural, silvicultural, urban, and industrial land. The Willamette River is currently on the 1998 Oregon Department of Environmental Quality (ODEQ) 303d list as impaired for temperature, bacteria, biological criteria, and toxics. However, ODEQ has been monitoring water quality in the Lower Willamette basin since 1986 with special intensive studies in the Tualatin and Lower Willamette subbasins in 1986-1990. These studies show that water quality in the Lower Willamette Basin has improved significantly (Cude 2003).

### **3.2.2 Effects of the Action**

Because the proposed maintenance dredging will not increase impervious surfaces, stormwater runoff will not increase. The proposed maintenance dredging will not increase boat traffic, so the chance of water quality degradation from pollution from boats will not increase.

The proposed maintenance dredging will cause temporary and localized impacts on water quality in the vicinity of active dredging. Turbidity will increase slightly in a limited mixing zone downstream of active work areas. Elevated turbidity plumes that may occur in localized areas near active dredging should be dissipated relatively rapidly by tidal and river currents (e.g., FSI et al. 1999). In-

### 3.4 SEDIMENTS, SUBSTRATE, AND BATHEMETRY

#### 3.4.1 Existing Conditions

Currently the depth of the project area ranges from -10 to -40 feet CRD. Dredging will remove 77,000 cy of sediment in the first year of the permit, followed by an additional 25,000 cy every other year on average during the remainder of the permit duration. The sediments exposed by dredging are expected to be similar to surficial sediments present throughout the project area.

MCS collected five sediment cores in the slip during March 2003 and Floyd Snider McCarthy, Inc. evaluated them using the analyte list suggested in the Dredged Material Evaluation Framework (DMEF) (Corps 1998). Data were compared to the DMEF values, probable effects concentration (PEC) values for freshwater sediment quality developed by MacDonald et al. (2000) and Ingersoll et al. (2000), and Portland Harbor Area-Wide Sediment baseline values (ODEQ 1999).

Only one surface sample exceeded DMEF screening levels. Samples considered representative of the post-dredge surface contained few detectable chemical constituents. When detectable concentrations of chemicals occurred, they were substantially less than screening levels. No samples exceed the PEC values, and all exceedances are within the Portland Harbor Area-Wide Sediment baseline values (FSMI 2003).

#### 3.4.2 Effects of the Action

Maintenance dredging in the project area should maintain sediment quality. Dredging will not affect sedimentation sources or rates. Because most of the sediments in the slip do not contain contaminants above DMEF screening levels, as shown by the recent sampling, resuspension of sediments is not expected to release contaminants into the water column.

Shallow water habitat (< 20 feet in water depth) provides food resources and migration routes for juvenile salmonids (Simenstad et al. 1999). Salmonid habitat may suffer a minor net decline in function due to the deepening. The proposed dredging will create steeper slopes along the edge of the dredge area and deepen the dredge area. However, 79% percent of the initial dredge prism lies below an existing mudline elevation of -20 feet CRD. In subsequent years of the permit it is expected that almost all the dredging will occur below existing mudline elevations of -20 feet CRD. Other than approximately 2.0 acres of dredging area in the first year of the permit all the remainder of the proposed dredging is expected to be at depths below -20 feet CRD (i.e. the lower limit of shallow water habitat). The contribution of epibenthic prey to salmonids from the area to be dredged should be limited by the depths within the proposed dredge prism. The adjacent Willamette River channel and associated shallow-water areas are much larger than the area being dredged, so no adverse impact is anticipated on salmonids foraging on benthic invertebrates in the spring following

dredging. By the spring outmigration period after dredging, the productivity of epibenthic prey for juvenile salmonids should be recovering, but may be less than the ultimate production of the area after a 1- to 2-year recolonization period. Because of the limited area of dredging in depths preferred by foraging salmonids and the rapid recolonization of benthic and epibenthic biota, the proposed dredging is not expected to have any short- or long-term direct effects on the juvenile salmonid foraging habitat.

No known spawning habitat exists within the action area, therefore any potential temporary suspension of sediments is not expected to embed spawning gravels.

### 3.5 SHORELINE CONDITIONS

#### 3.5.1 Existing Conditions

Historically the Willamette Falls was an impassible fish barrier to many salmonids until fish ladders were constructed in the early 1900s. The International Terminals slip does not hinder fish access in the Willamette River. Few refuge areas, such as off-channel areas, backwater areas, or sloughs, remain in the Willamette River. The International Terminals slip functions somewhat like a slough and could provide refuge for salmonids during periods of high flow in the river, although no studies have documented this.

Riparian vegetation has been greatly altered in the Lower Willamette River Basin. Little to no riparian vegetation exists in the action area along the eastern shore of the Willamette River or in the International Terminals slip. However, riparian vegetation covers a large area along the western shore of the Willamette across from the slip at Forest Park. Black cottonwood (*Populus balsamifera* ssp. *trichocarpa*), Oregon white ash (*Fraxinus latifolia*), red alder (*Alnus rubra*), and willow (*Salix* spp.) are typical trees species along the Willamette River. Typical shrub species include Himalayan blackberry (*Rubus discolor*) and Scotch broom (*Cytisus scoparius*).

#### 3.5.2 Effects of the Action

Temporary increases in noise or turbidity from dredging activities may prevent access and refuge for salmonids and other species in the immediate vicinity of the work areas (see Sections 3.1 and 3.2).

The proposed dredging in the first year will occur below -5 feet CRD and therefore will not affect the shoreline or riparian habitat.

### 3.6 ACCESS AND REFUGIA

#### 3.6.1 Existing Conditions

The International Terminals slip could provide refuge for salmonids during periods of high flow.

#### 3.6.2 Effects of the Action

Temporary increases in noise or turbidity from dredging may prevent access and refuge for salmonids and other species in the immediate vicinity of the work areas during the period of dredging activity (see Sections 3.1 and 3.2).

### 3.7 BIOTA CONDITIONS

#### 3.7.1 Existing Conditions

Benthic and epibenthic organisms in the Lower Willamette River basin include oligochaetes, mysid shrimp, amphipods, chironomid larvae, crayfish, and mollusks (Sanborn 1973 and FES 1995). Fish species include salmonids, largescale sucker (*Catostomus macrocheilus*), northern pikeminnow (*Ptychocheilus oregonensis*), perch (*Cymatogaster aggregate*), peamouth (*Mylocheilus caurinus*), sculpin (Cottidae), bluegill (*Lepomis macrochirus*), threespine stickleback (*Gasterosteus aculeatus*), and sturgeon (*Acipenser* spp.) (FES 1999).

#### 3.7.2 Effects of the Action

Dredging will eliminate nonmobile benthos over approximately 9.6 acres of the bottom in the project area, temporarily reducing abundance and diversity. The newly exposed bottom should be quickly recolonized by infauna and epifauna (McCauley et al. 1977; Richardson et al. 1977; Romberg et al. 1995; Wilson and Romberg 1995). Diversity and health of the benthic assemblage recolonizing the dredged area should recover quickly and be similar to those of the subtidal benthic community now present. Areas adjacent to the project site will provide local larval sources for recolonization. Because of the prolonged period of planktonic larval development (several days to weeks) for most benthic species, currents will likely carry most larvae into the project area from plankton spawning outside of it.

By the spring outmigration period after dredging, the productivity of epibenthic prey for juvenile salmonids should be recovering, but may be less than the ultimate production of the area after a 1- to 2-year recolonization period. The contribution of epibenthic prey from the small subtidal area to be dredged is limited by the area's depth. Because the adjacent Willamette River and associated



shallow-water areas are so much larger than the area to be dredged, dredging should not harm salmonids foraging on benthic invertebrates.

Repeated disturbance from current use of the action area reduces ecological diversity. Proposed dredging will not increase this disturbance and therefore is not expected to have short-term direct effects on ecological diversity in the project area.

Avian species that now use the action area or that fly over it during dredging may modify their use of the area, moving away from construction activity.

Proposed dredging will not have short-term direct effects on aquatic vegetation within the project area because there are no known macroalgae beds there.

Proposed dredging will not have short-term direct effects on the pelagic prey in the project area because it will not degrade water quality enough to affect pelagic assemblages.

#### 4.0 EVALUATION OF EFFECTS ON LISTED SPECIES

This section discusses life histories of listed species and the use of the action area. It evaluates temporary and permanent, direct and indirect effects on listed species from project activities (Section 2.2) and includes the effects determination. Detailed life histories are discussed in Corps 2000b. This section discusses only attributes of listed species that are likely to be affected by the project in some way.

An analysis of effects on Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery and Conservation Act is described in Appendix D.

##### 4.1 LOWER COLUMBIA AND UPPER WILLAMETTE CHINOOK

###### 4.1.1 Life History and Critical Habitat

Chinook salmon prefer to spawn and rear in the mainstem of rivers and larger streams. Although water temperatures determine the incubation period, fry typically hatch in about eight weeks. After emergence, juvenile chinook salmon migrate to saltwater during their first year (Corps 2000b).

Critical habitat is currently being reconsidered for Lower Columbia and Upper Willamette chinook. On April 30, 2002, the US District Court for the District of Columbia approved a NMFS consent decree withdrawing a February 2000 critical-habitat designation for these and 17 other evolutionary significant units (ESUs) (NMFS 2000). Critical habitat consists of the water, substrate, and adjacent riparian zone of accessible estuarine and riverine reaches.

###### 4.1.2 Use of the Action Area

Most chinook in the project area are likely to be migrating juveniles and adults. Juvenile chinook feed on benthic and epibenthic organisms in shallow nearshore areas. Adult chinook typically feed on other fish such as whitefish, sculpin and other trout. Therefore, adult chinook in the action area would likely be feeding on fish in the deeper water of the action area rather than the benthic and epibenthic organisms that are primary prey for juveniles.

###### 4.1.3 Effects of the Action

No direct mortality of chinook is expected from any aspect of project construction, which will occur when few, if any, juvenile salmonids are present. Adult and juvenile chinook can avoid any proposed project conditions that would result in direct impacts (e.g. entrainment in the bucket) on them. Dredging will likely increase turbidity in the immediate vicinity. This impact will be only

temporary and the suspended sediment will dissipate quickly. Dredging will temporarily eliminate benthic organisms, an important food source for juvenile chinook. By the spring outmigration period after dredging, the productivity of epibenthic prey for juvenile salmonids should be recovering, but may be less than the ultimate production of the area after a 1- to 2-year recolonization period (McCauley et al. 1977; Richardson et al. 1977; Romberg et al. 1995; Wilson and Romberg 1995). The contribution of epibenthic prey from the small subtidal area to be dredged is limited by the area's depth. Because the adjacent Willamette River and associated shallow-water areas are so much larger than the area to be dredged, dredging should not harm salmonids foraging on benthic invertebrates. Seventy nine percent of the area to be dredged in the first year of the permit is below -20 feet CRD, deeper than migrating juveniles prefer (Simenstad et al. 1999). In subsequent years of the permit all maintenance dredging is anticipated to be below -20 feet CRD.

#### **4.1.4 Effect Determination**

Because of the lack of significant water quality impacts, and the short-term, localized nature of any reductions in prey abundance, the proposed project may affect, but is not likely to adversely affect chinook.

### **4.2 COLUMBIA RIVER CHUM SALMON**

#### **4.2.1 Life History and Critical Habitat**

Chum salmon prefer to spawn at the head of the tidewater. Although the incubation period is determined by water temperatures, fry hatch in two weeks to four months. After emerging from the gravel, fry migrate immediately to marine waters, limiting their freshwater life history to a few days. Rearing and development to adulthood occur in the marine environment (Corps 2000b).

Critical habitat is currently under development for Columbia River chum following the NMFS consent decree withdrawing critical habitat designation for this and 18 other ESUs (NMFS 2000).

#### **4.2.2 Use of the Action Area**

Like chinook salmon, the majority of chum that occur within the project area are likely to be migrating juveniles and adults. Therefore, chum in the action area may be feeding on epibenthic organisms in the action areas as well as on organisms in water deeper than the action area.

#### **4.2.3 Effects of the Action**

The effects of the proposed action on chum would be similar to those described for chinook. However, unlike juvenile chinook, juvenile chum may not feed while migrating to saltwater.

Therefore, the impacts on epibenthic prey from construction may affect chum even less than the other listed salmonids.

#### **4.2.4 Effect Determination**

Because of the lack of significant water quality impacts, and the short-term, localized nature of any reductions in prey abundance, the proposed project may affect, but is not likely to adversely affect chum salmon.

### **4.3 LOWER COLUMBIA RIVER AND UPPER WILLAMETTE STEELHEAD TROUT**

#### **4.3.1 Life History and Critical Habitat**

Steelhead trout spawn in tributaries of small and large rivers in late winter through spring. Juveniles migrate to the ocean after rearing in large rivers for one to four years. Steelhead spend one to three years in the ocean before returning to their natal streams to spawn. Unlike most anadromous salmonids, steelhead trout may return to their natal streams several times to spawn before they die (Corps 2000b).

Critical habitat has not been designated for coastal cutthroat steelhead trout (NMFS 2000).

#### **4.3.2 Use of the Action Area**

Juveniles, sub-adult, or adult steelhead trout may occur within the project area. Adult and sub-adult steelhead trout are typically piscivores, feeding on other fish such as whitefish, sculpin and other trout. Therefore, the adult and sub-adult steelhead trout in the action area would likely be feeding in the deeper water of the action area on fish rather than the insects that are primary prey for juveniles.

#### **4.3.3 Effects of the Action**

No direct mortality of steelhead trout is expected from any aspect of project construction, which will occur when few, if any, juvenile salmonids are present. Adult and juvenile steelhead trout can avoid any proposed project conditions that would result in direct impacts (e.g. entrainment in the bucket) on them. Dredging will likely increase turbidity temporarily in the immediate vicinity. Suspended sediment will dissipate quickly.

Dredging will eliminate benthic organisms, an important food source for juvenile steelhead trout. By the spring outmigration period after dredging, the productivity of epibenthic prey for juvenile salmonids should be recovering, but may be less than the ultimate production of the area after a 1- to 2-year recolonization period (McCauley et al. 1977; Richardson et al. 1977; Romberg et al. 1995;

Wilson and Romberg 1995). The contribution of epibenthic prey from the small subtidal area to be dredged is limited by the area's depth. Because the adjacent Willamette River and associated shallow-water areas are so much larger than the area to be dredged, dredging should not harm salmonids foraging on benthic invertebrates. Seventy nine percent of the area to be dredged is below -20 feet CRD, deeper than foraging juveniles prefer (Simenstad et al 1999). In subsequent years of the permit all maintenance dredging is anticipated to be below -20 feet CRD.

#### **4.3.4 Effect Determination**

Because of the lack of significant water quality impacts, and the short-term, localized nature of any reductions in prey abundance, the proposed project may affect, but is not likely to adversely affect steelhead trout.

### **4.4 BALD EAGLE**

#### **4.4.1 Life History and Critical Habitat**

In Oregon, bald eagle breeding territories are mainly located in coniferous, uneven-aged stands with old-growth components. A variety of habitat characteristics influence territory size and configuration, including availability and location of perch trees for foraging, quality of foraging habitat, and distance of nests from waters supporting adequate food supplies. Bald eagles typically build nests in old-growth trees, which are generally used in successive years. Courtship and nest-building begin in January and February. Egg laying begins in March or early April, and eaglets hatch in mid-April or early May. They fledge in mid-July and often remain in the vicinity of the nest for another month (Rodrick and Milner 1991; Corps 2000b).

Eagles often depend on dead or weakened prey, and their diet may vary locally and seasonally. During the breeding season they eat anadromous and warmwater fishes, small mammals, carrion, small waterfowl, and seabirds. Various carrion, including spawned-out salmon, are important food sources during fall and winter (Rodrick and Milner 1991).

Critical habitat has not been designated for bald eagles.

#### **4.4.2 Use of the Action Area**

A species list obtained from the USFWS indicates that bald eagles may occur in the vicinity of the proposed project. No bald eagle nests are located in the action area. The closest nests are more than three 3 miles north and northwest of it (Dorsey, G., pers. comm., June 5, 2003).

The availability of suitable nest trees is often a limiting factor in the establishment of eagle territories (Carroll and Pentec 1992). Although there are no large trees in the action area for the bald eagles to roost or nest in, bald eagles occasionally fly over the area and may rest or perch on nearby pilings or cottonwood trees.

#### **4.4.3 Effects of the Action**

Construction could occur during the nesting season. However, since it would be more than 3 miles from the closest bald eagle nests, construction would not directly disrupt eagle nesting and rearing of young. No communal night roosts or perch trees are near the site, so wintering bald eagles would not be affected by construction that may occur during the wintering season. Foraging bald eagles may be displaced by the noise of heavy equipment, but the availability of prey would not be significantly disrupted by the proposed maintenance work. Given the surrounding urbanization and industrialization, eagles using the area are likely accustomed to high levels of human activity in the action area.

#### **4.4.4 Effect Determination**

Dredging will not affect nesting or wintering habitat or behaviors, and only minor disruptions to foraging may occur, so the proposed project may affect, but is not likely to adversely affect the bald eagle.

### **4.5 WATER HOWELLIA**

#### **4.5.1 Life History and Critical Habitat**

Water howellia has historically occurred over a large area of the Pacific Northwest. Water howellia occurs in vernal ponds and shallow water edges of larger ponds, oxboughs, sloughs, or other slow-moving water bodies with fine sediment.

Critical habitat has not been designated for water howellia (Corps 2000b).

#### **4.5.2 Use of the Action Area**

There are no records of water howellia occurring in the action area and there is no habitat capable of supporting it there. Shallow-water areas in the action area are covered with riprap and do not contain the fine sediment preferred by water howellia. Additionally, boat traffic is likely to create sufficient wave action in the area to prevent establishment of water howellia, even if suitable substrate existed between riprap boulders.

#### **4.5.3 Effects of the Action**

Because water howellia is not known to exist in the action area and the action area does not contain habitat suitable for water howellia, dredging activities will not affect water howellia.

#### **4.5.4 Effect Determination**

Dredging activities will not affect potential water howellia habitat, as dredging will occur in water deeper than water howellia can tolerate. In addition, there is no suitable water howellia habitat in the action area. Thus the proposed project will have no effect on water howellia.

### **4.6 COASTAL CUTTHROAT TROUT**

#### **4.6.1 Life History and Critical Habitat**

Coastal cutthroat trout spawn in small tributaries of small and large rivers in late winter through spring. Juveniles migrate downstream between March and June and may make several freshwater migrations before migrating to the ocean. Most coastal cutthroat trout are 2 to 3 years old before migrating to the ocean. Coastal cutthroat trout spend less than one year in the ocean before migrating back to their natal streams to spawn. Unlike most anadromous salmonids, coastal cutthroat trout do not die after spawning (Corps 2000b).

Critical habitat has not been designated for coastal cutthroat trout (NMFS 2000).

#### **4.6.2 Use of the Action Area**

Most coastal cutthroat trout in the project area are likely to be adults and sub-adults from nearby basins. Adult and sub-adult coastal cutthroat trout typically feed on other fish such as whitefish, sculpin, and other trout. Therefore, the adult and sub-adult coastal cutthroat trout in the action area would likely be feeding in the deeper water of the action area on fish rather than the organisms that serve as primary prey for juveniles.

#### **4.6.3 Effects of the Action**

No direct effect on coastal cutthroat trout is expected to result from any aspect of project construction, which will occur when few, if any, juvenile salmonids are present. Adult salmonids can avoid any conditions that would result in direct impacts (e.g. entrainment in the bucket) on them. Dredging will likely increase turbidity temporarily in the immediate vicinity. Suspended sediment will dissipate quickly.

Dredging will eliminate benthic organisms, an important food source for juvenile coastal cutthroat trout. By the spring outmigration period after dredging, the productivity of epibenthic prey for juvenile salmonids should be recovering, but may be less than the ultimate production of the area after a 1- to 2-year recolonization period (McCauley et al. 1977; Richardson et al. 1977; Romberg et al. 1995; Wilson and Romberg 1995). The contribution of epibenthic prey from the small subtidal area to be dredged is limited by the area's depth. Because the adjacent Willamette River and associated shallow-water areas are so much larger than the area to be dredged, dredging should not harm salmonids foraging on benthic invertebrates. Additionally, seventy nine percent of the area to be dredged is below -20 feet CRD, which is deeper than foraging juveniles prefer (Simenstad et al. 1999). In subsequent years of the permit all maintenance dredging is anticipated to be below -20 feet CRD.

#### **4.6.4 Effect Determination**

Because of the lack of significant water quality impacts, and the short-term, localized nature of any reductions in prey abundance, the proposed project will not jeopardize coastal cutthroat trout. Should coastal cutthroat trout become listed the proposed project may affect, but is not likely to adversely affect, cutthroat trout or their habitat.

### **4.7 LOWER COLUMBIA RIVER COHO SALMON**

#### **4.7.1 Life History and Critical Habitat**

Coho spawn in small tributaries of small or large rivers in late winter through spring. Juveniles migrate downstream between April and August. Juvenile coho may spend anywhere from a few weeks to two years in freshwater before migrating to the ocean. Coho spend one to two years in the ocean before migrating back to their natal streams to spawn (Corps 2000b).

Critical habitat has not been designated for Lower Columbia River coho salmon.

#### **4.7.2 Use of the Action Area**

Most coho in the project area are likely to be adults and sub-adults from nearby basins. Adult and sub-adult coho typically feed on other fish such as whitefish, sculpin, and other trout. By the time adult coho reach the Willamette River, they probably are not feeding. Sub-adult coho in the action area would likely be feeding in the deeper water of the action area on fish rather than the benthic and epibenthic organisms that serve as primary prey for juveniles.



#### 4.7.3 Effects of the Action

The effects of the proposed action on coho would be similar to those described for chinook. Impacts on epibenthic prey from construction could have less impact on coho than other salmonid species because coho found in the action area are likely to be less dependant on epibenthic prey than chinook.

#### 4.7.4 Effect Determination

Because of the lack of significant water quality impacts, and the short-term, localized nature of any reductions in prey abundance, the proposed project will not jeopardize coho salmon. If coho are listed, the proposed project may affect, but is not likely to adversely affect, coho salmon or their habitat.

## 5.0 INTERRELATED, INTERDEPENDENT, AND CUMULATIVE EFFECTS

Cumulative effects are those effects of future state or private activities, not involving activities of other federal agencies that are reasonably certain to occur within the area of the federal action subject to consultation (50 CFR 402.02 Definitions). Future federal actions unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to Section 7 of the ESA. Interdependent effects are defined as actions with no independent utility apart from the proposed action. Interrelated effects include those that are part of a larger action and depend on the larger action for justification.

No interdependent or cumulative effects are known to occur that may adversely affect a listed, proposed, or candidate species within the action area. An interrelated action of the proposed action may be the occasional disturbance of the substrate from prop wash of tugs as they bring in barges or during the hauling out of barges or other vessels. Prop wash could result in small, temporary increases in turbidity. The periodic disturbance of the substrate caused by the prop wash could reduce the suitability of the substrate for colonization by benthic macroinvertebrates utilized as food by juvenile salmonids. However, these effects of prop wash being localized and temporary would have little affect on the growth or survival of juvenile salmonids.

## 6.0 SUMMARY

Construction activities would temporarily increase noise and turbidity, possibly causing listed species to avoid the immediate work area. Best management practices would be used to reduce these impacts. Thus, the proposed action:

- ◆ may affect, but is not likely to adversely affect chinook salmon,
- ◆ may affect, but is not likely to adversely affect chum salmon,
- ◆ may affect, but is not likely to adversely affect steelhead trout,
- ◆ may affect, but is not likely to adversely affect bald eagles, and
- ◆ will have no effect on water howellia.

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*Requiring Department of Army Permits in Oregon and the North Shore of the Columbia River.*  
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# Oregon

Theodore R. Kulongoski, Governor

JULY 17, 2003

KJ02/30897  
SCHNITZER STEEL INDUSTRIES, INC.  
ATTN: JIM JAKUBIAK  
PO BOX 10047  
PORTLAND, OR 97296-0047

RE: DSL Removal/fill Permit Application No. 30897-RP  
International Terminals Berths 1, 2, and 3  
T2N, R1W, Section 35, Portland, Multnomah County

Dear Mr. Jakubiak:

We have received your application to conduct removal activities in a water of the state. Based on the information provided, the activity is subject to our jurisdiction and a State Removal/fill permit is required. The purpose of this letter is to inform you of the results of our initial completeness review and explain the permit process.

We have completed our initial review of your application. Enclosed is a completeness checklist for your information. Your application is complete except for the application fee in the amount of \$375.00. Please remit the fee as soon as possible referencing state application number 30897-RP on your check. When we have received your fee, we will circulate your application to natural resource agencies, adjoining property owners, city or county planning department, and other interested parties on our mailing list. After a 45-day review period, the public comment period will close.

Comments received will be forwarded to you and you will have the opportunity to address any concerns that are raised during the public review process. At that time you may wish to submit additional information, as appropriate, to support your application. A permit decision will be rendered on your application within 45 days of the close of the public review period unless you otherwise request to extend that deadline.

I would also like to take this opportunity to identify some technical issues relating to the proposed project that will require further discussion with you or your agent through the course of the application processing period:

- Regarding material disposal, the Division will seek discussion with you through the course of the application processing period to ascertain royalty license requirements that may be associated with any beneficial reuse of the removed material.

## Division of State Lands

775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 378-3805  
FAX (503) 378-4844  
[www.oregonstatelands.us](http://www.oregonstatelands.us)

State Land Board

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

Randall Edwards  
State Treasurer

SCHN00319161

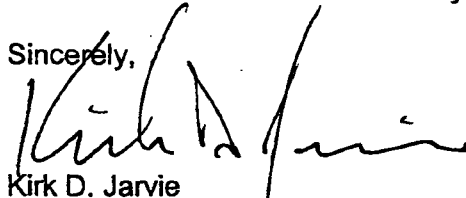


Jim Jakubiak  
July 17, 2003  
Page 2 of 2

- The Division will seek discussion with you through the course of the application processing period to identify possible measure to mitigate for adverse impacts to this shallow water habitat, such as woody vegetation plantings along a designated portion of the river bank

Please call me at extension 320 if you have any questions on this transmittal.

Sincerely,



Kirk D. Jarvie  
Resource Coordinator

Enclosure

Copy to: Mary Headley, Corps of Engineers  
Tami Hubert, Property Manager, DSL  
Jerald Ramsden, Parsons Brinckerhoff, Agent

KJjr  
J:\Counties\Multnomah\Com\_App\30897-RP Application Review Letter-complete.doc

SCHN00319162

### APPLICATION COMPLETENESS CHECKLIST

Application No: 30897-RP    ☒ New or ☐ Re-submittal    Date received: 07/09/03  
 Reviewed By: KDJ    Date: 07/17/03    Complete: ☒ Yes    ☐ No

To Applicant: Items checked ☒ are incomplete and require modification as noted.

Application Requirement	Comments
<b>Applicant/property owner information (Block 1)</b> <input type="checkbox"/> Name <input type="checkbox"/> Address <input type="checkbox"/> Phone <input type="checkbox"/> Agent	
<b>Project location information (Block 2)</b> <input type="checkbox"/> T,R,S <input type="checkbox"/> ¼,¼ sec (eg., AB) <input type="checkbox"/> Tax lot <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Lat/long <input type="checkbox"/> Waterway <input type="checkbox"/> River mile	
<b>Proposed project impacts (Block 3)</b> <input type="checkbox"/> Activity type <input type="checkbox"/> Brief description <input type="checkbox"/> Fill amts in waters or wetlands (cy) <input type="checkbox"/> Fill impact area (acres) <input type="checkbox"/> Removal amts in waters or wetlands (cy) <input type="checkbox"/> Removal impact area (acres) <input type="checkbox"/> Disposal area location	Regarding disposal area, the Division will seek discussion with you through the course of the application processing period to ascertain royalty license requirements that may be associated with any beneficial reuse of the removed material. **
<b>Project Details (Block 4)</b> <input type="checkbox"/> Purpose and need <input type="checkbox"/> Description of project <input type="checkbox"/> Material entry into wetland/waterway <input type="checkbox"/> Location map* <input type="checkbox"/> Cross-section drawings*: <input type="checkbox"/> Existing and proposed elevations <input type="checkbox"/> Hydrology data (eg, OHW) <input type="checkbox"/> Plan view drawing*: <input type="checkbox"/> Project footprint <input type="checkbox"/> Proposed contours <input type="checkbox"/> Staging areas <input type="checkbox"/> Jurisdictional limits by resource type <input type="checkbox"/> Proposed impacts identified <input type="checkbox"/> Temporary impacts <input type="checkbox"/> Location of cross section(s) <input type="checkbox"/> Hydrological characteristics <input type="checkbox"/> Description of proposed changes <input type="checkbox"/> Measures to avoid & minimize effects of the changes	For future applications we request that relevant information contained in the BA relative to Block 4 be summarized and included within Block 4.**
<b>Alternatives (Block 5)</b> <input type="checkbox"/> Yes: Less than 0.2 acres wetland impact or < 250 cy <input type="checkbox"/> Alternative sites <input type="checkbox"/> Alternative designs <input type="checkbox"/> Measures to minimize impacts	

<b>Additional Information (Blocks 6, 7, 8 and 9)</b> <input type="checkbox"/> Adjoining property owners names <input type="checkbox"/> Addresses or Labels <input type="checkbox"/> Previous State or Corps of Engineers issues <input type="checkbox"/> City or County planner review and signature <input type="checkbox"/> Coastal Zone Certification <input type="checkbox"/> Signature of applicant <input type="checkbox"/> Signature of Agent	
<b>Project site resource description (Block 10)</b> <input type="checkbox"/> Existing biological and physical characteristics <input type="checkbox"/> Navigation, fishing and recreational use <input type="checkbox"/> Known ESA information <input type="checkbox"/> Known archeological information	For future applications we request that relevant information contained in the BA relative to Block 10 be summarized and included within Block 10.**
<b>Wetland resource information (Block 10)</b> <input type="checkbox"/> Wetland delineation <input type="checkbox"/> Concurrence <input type="checkbox"/> Functional assessment	
<b>Compensatory Mitigation (Block 10)</b> <input type="checkbox"/> Yes     PTP <input type="checkbox"/> Yes     Mitigation bank (List Bank) <input type="checkbox"/> Yes     Conservation in lieu <input type="checkbox"/> Compensatory mitigation plan (Non-wetland impacts) <input type="checkbox"/> Compensatory wetland mitigation plan <input type="checkbox"/> Rehabilitation plan (temporary impacts) <input type="checkbox"/> Compensatory Mitigation Form	The project location is designated by ODFW as Essential Salmonid Habitat. The BA indicates that about 20% of the initial removal area will be within the shallow water habitat zone (-20 CRD). The Division will seek discussion with you through the course of the application processing period to identify possible measure to mitigate for adverse impacts to this shallow water habitat, such as woody vegetation plantings along a designated portion of the river bank.**
<b>X</b> Non-refundable application fee in the amount of \$375.00 made payable to: the Division of State Lands and referencing State Application No. 30897-RP.	

\* Drawings shall be no larger than 8 1/2 x 11 and in **Black and White**. Match lines may be used for multiple pages of a drawing. Scale bars are required.

\*\* These items are for your information and do not make the application incomplete.

J:\Jarvie\Completed checklists\30897-RP Application Completeness Checklist.doc



Parsons  
Brinckerhoff

400 SW Sixth Avenue  
Suite 802  
Portland, OR 97204

Transmittal

DIVISION OF STATE LANDS  
RECEIVED

2003 JUL 28 P 1:33

to: KIRK JARVIE from: Peg Johnson  
DSL date: 7-24-03 time:  
775 SUMMER ST NE #100 project: 14005 Task 3  
SALEM OR 97301-1279 project number:

via:

☐ mail

☐ messenger

☒ overnight

for your:

☒ information/use

☐ approval

☐ review/comment

the following:

☐ shop drawings

☐ copy of letter

☐ prints

☐ change order

☐ plans

☐ samples

☐ specifications

☒ other fee checks

drawing	rev. no.	description	copies	date
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Kirk - Per your discussion w/ Jerry Ramsden  
enclosed are 2 checks in the amount of  
\$375.00 each for permit applications:  
30895-RP - IT Berths 4-5  
30897-RP - IT Berths 1-3

comments

If enclosures are not as noted, kindly notify us at once  
Please call me on my direct line if you  
have any questions - Thanks

copies to:

signature: Peg Johnson

Over a Century of  
Engineering Excellence

SCHN00319165

**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality**  
**Water Quality 401 Certification**

Corps of Engineers Action ID Number: 199100099  
Oregon Division of State Lands Number: RF-1055

Notice Issued: July 24, 2003  
Written Comments Due: August 25, 2003

**WHO IS THE APPLICANT:** Schnitzer Investment Corporation

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project

**WHERE TO FIND DOCUMENTS:** Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Water Quality Division, 811 S.W. 6th Avenue, Portland, Oregon 97204

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Alice Kavajecz at (503) 229-6962.

Any questions on the proposed certification may be addressed to the 401 Program Coordinator, (503) 229-5845 or toll free within Oregon at 1-800-452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

**PUBLIC PARTICIPATION:**

**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Director shall provide an opportunity for the applicant, any affected state, or any interested agency, person, or group of persons to request or petition for a public hearing with respect to certification applications. If the Director determines that new information may be produced thereby, a public hearing will be held prior to the Director's final determination. Instances of doubt shall be resolved in favor of holding the hearing. There shall be public notice of such a hearing."

**Written comments:**

Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on (full date). Written comments should be mailed to Oregon Department of Environmental Quality, Attn: 401 Program Coordinator, 811 S.W. 6th Avenue, Portland, Oregon 97204. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, e-mails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format. Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

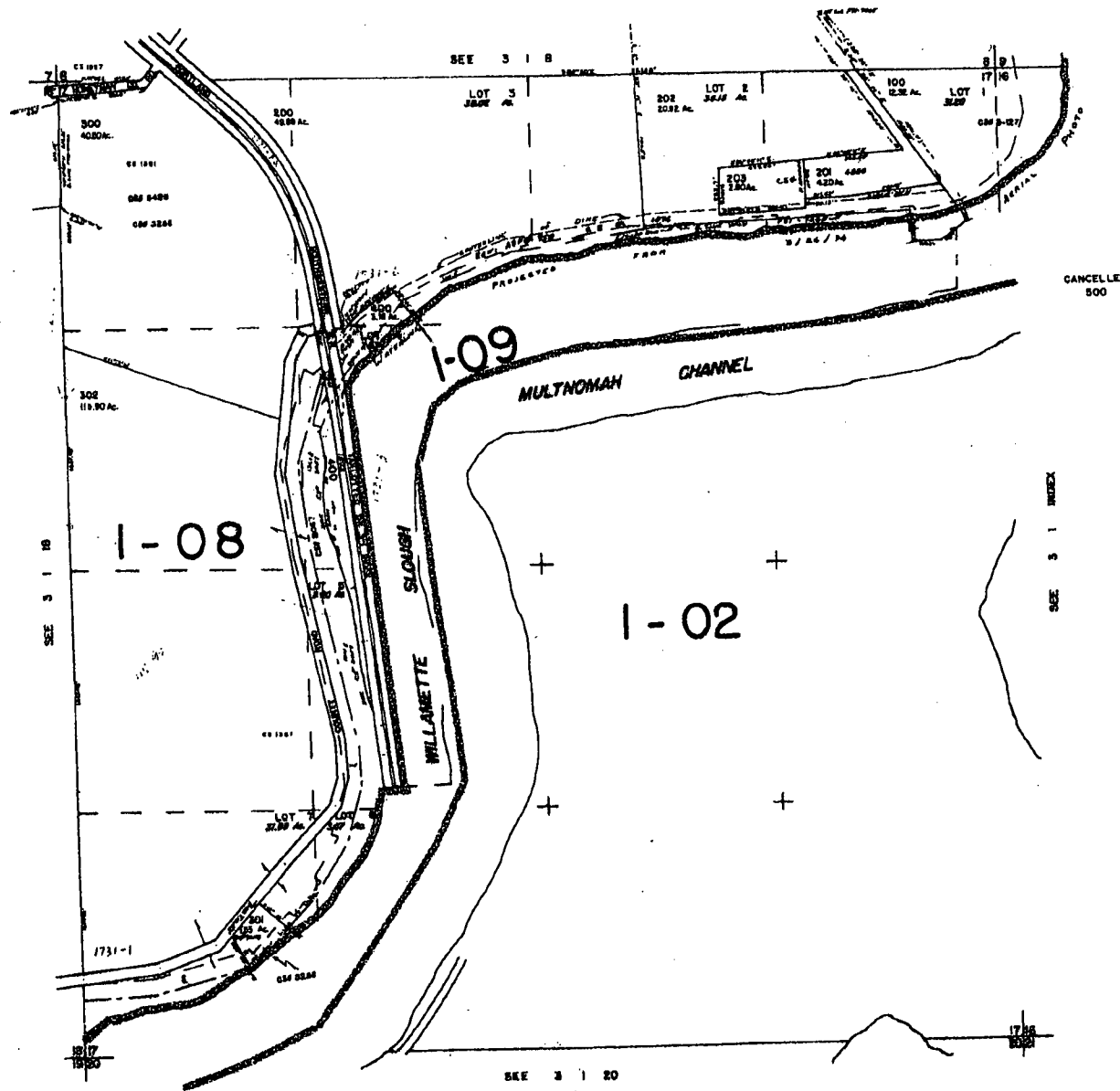
**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at 1-800-452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

SCHN00319166

SEC. 17 T3N R1W. WM.  
COLUMBIA COUNTY  
THIS MAP HAS BEEN PREPARED FOR ASSESSMENT PURPOSES ONLY  
Scale: 1" = 400' Current Revision Date: 7/19/02

3 1 17

084 532  
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084 584A  
084 576



SEE 3 1 INDEX

SEE 3 1 20

3 1 17

SCHN00319167



US Army Corps  
of Engineers  
Portland District

# PUBLIC NOTICE

## for PERMIT APPLICATION

Issue Date: July 25, 2003

Expiration Date: August 25, 2003

Corps of Engineers Action ID: 199100099

Oregon Division of State Lands Number: RF-1055

30 Day Notice

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and should reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CENWP-OP-GP (Ms. Mary J. Headley)  
P.O. Box 2946  
Portland, Oregon 97208-2946

**Applicant:** Schnitzer Steel Industries, Inc. (Mr. Jim Jakubiak)  
PO Box 10047  
Portland, Oregon 97296-0047

**Location:** Willamette River, River Mile 3.8, Section 35, Township 2 North, Range 1 West, Portland, Multnomah County, Oregon

**Project Description:** Schnitzer Steel Industries, Inc. (SSI) proposes to conduct maintenance dredging of Berths 1, 2, and 3 at the International Terminals slip. The project involves dredging the area to a maximum depth of -42 feet Columbia River Datum (CRD), -38 feet CRD, or -24 feet CRD depending on location within the slip (Figures 2 and 3). The proposed dredge footprint covers about 9.6 acres with a maximum length of 2,250 feet and maximum width of 270 feet. The proposed dredge footprint lies entirely within the previously permitted dredge area and covers less area than authorized in previous permits. The initial dredge volume associated with the proposed dredge prism is 77,000 cubic yards (cy). Over the remainder of the permit duration SSI proposes to dredge another 50,000 cy as needed for ongoing maintenance (e.g. 25,000 cy every other year on average in years two through five). Dredging will be by clamshell bucket, with transport to approved upland facilities or locations by barge, truck or rail. Most of the dewatering will occur as the clamshell excavates and transfers the individual load. The material will have high water content, and some release is expected.

SCHN00319168

**Purpose:** To maintain safe navigation access and berthing for the dock facilities at the SSI International Terminals slip by conducting periodic maintenance dredging as needed. The slip and associated berths have been maintained under previous maintenance dredging permits (US Army Corps of Engineers Section 10/404 Permit #199100099 and Oregon Division of State Lands Removal-Fill Permit No. 1055).

Shoaling at the mouth of the slip and within the berths has created a critical and urgent need to maintain these facilities. In the fall of 2002 an incoming ship was required to dock and offload several thousand tons of cargo before docking at the International Terminals slip. Afterwards, SSI met with the Columbia River Pilots (Pilots) to determine the minimum acceptable conditions needed for safe navigation access and berthing in the slip, given the draft, length and width of vessels that will use this facility over the next five years. The proposed dredge prism is based on suggestions from the Pilots and engineering considerations such as slope stability.

**Drawings:** Three (3) Sheets identified as *COE No. 199100099*

**Additional Information:** Additional information may be obtained from Ms. Mary J. Headley, Project Manager, U.S. Army Corps of Engineers at (503) 808-4392.

**Authority:** This permit will be issued or denied under the following:

Section 10, Rivers and Harbors Act 1899 (33 U.S.C. 403), for work in or affecting navigable waters of the United States.

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Public Hearing:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the proposed activity may affect an endangered or threatened species or its critical habitat. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) will be initiated. A permit for the proposed activity will not be issued until the consultation process is completed.

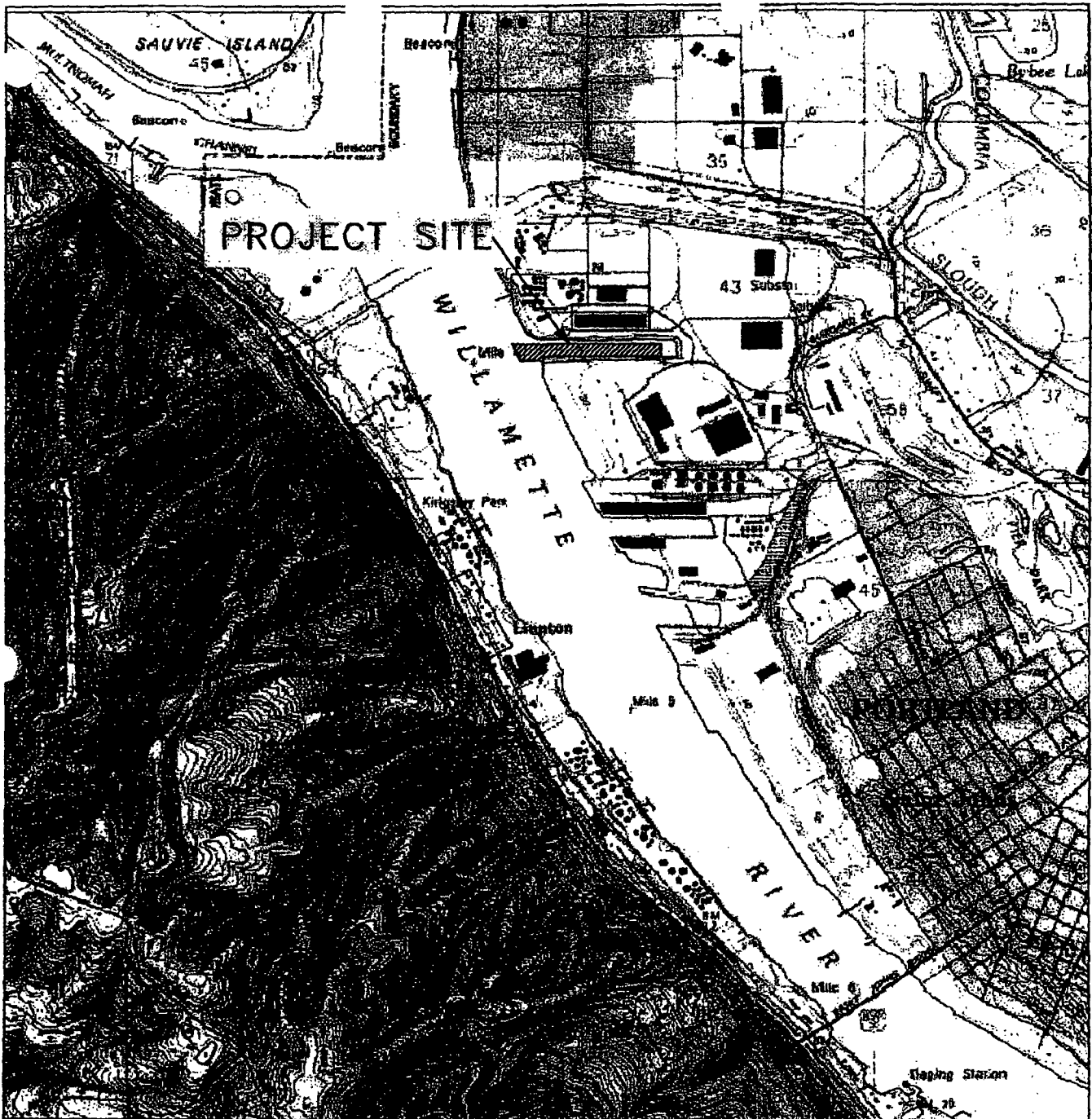


**Cultural Resources:** The described activity is not located on property registered or eligible for registration in the latest published version of the National Register of Historic Places. This notice has been provided to the State Historic Preservation Office. There are no recorded historic properties within the permit area. The permit area has been extensively modified by modern development that little likelihood exists for the proposed project to affect an undisturbed historic property or any other type of cultural resource.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met, where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority, previously indicated, may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.



NOTE 1. LOCATION MAP OBTAINED FROM US GEOLOGICAL SURVEY  
QUAD SHEET FOR LINNTON, OR

Scale in Feet  
0 1000 2000

PURPOSE: MAINTAIN NAVIGATION ACCESS  
AND BERTHS FOR SHIPS  
AND BARGES  
VERTICAL DATUM: COLUMBIA RIVER DATUM  
(CRD), CRD IS 1.6' ABOVE NGVD  
AT WILLAMETTE RIVER MILE 3.6  
ADJACENT PROPERTY OWNERS:  
1. NORTHWEST TERMINAL COMPANY  
2. PORT OF PORTLAND

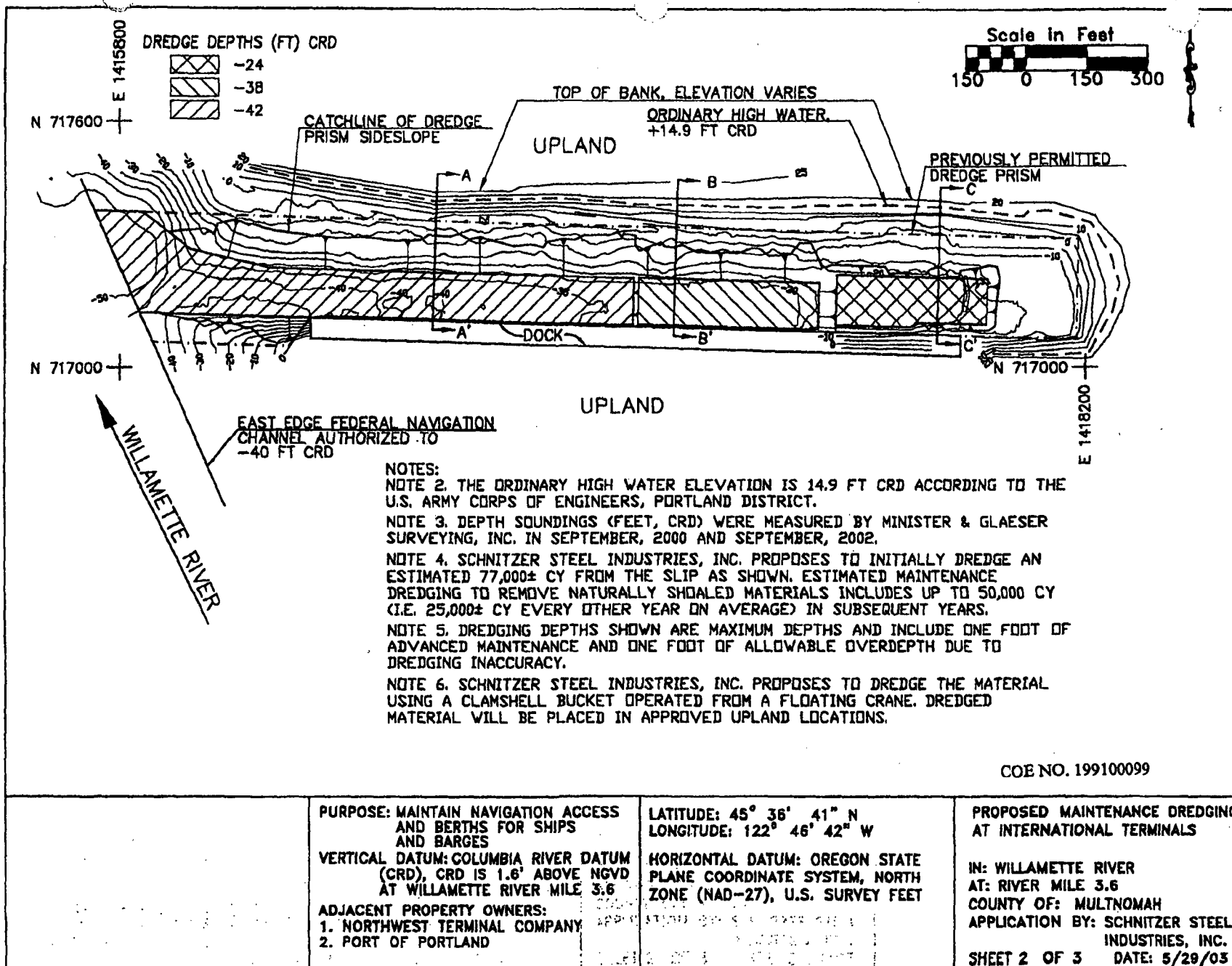
LATITUDE: 45° 36' 41" N  
LONGITUDE: 122° 46' 42" W

COB NO. 199100099

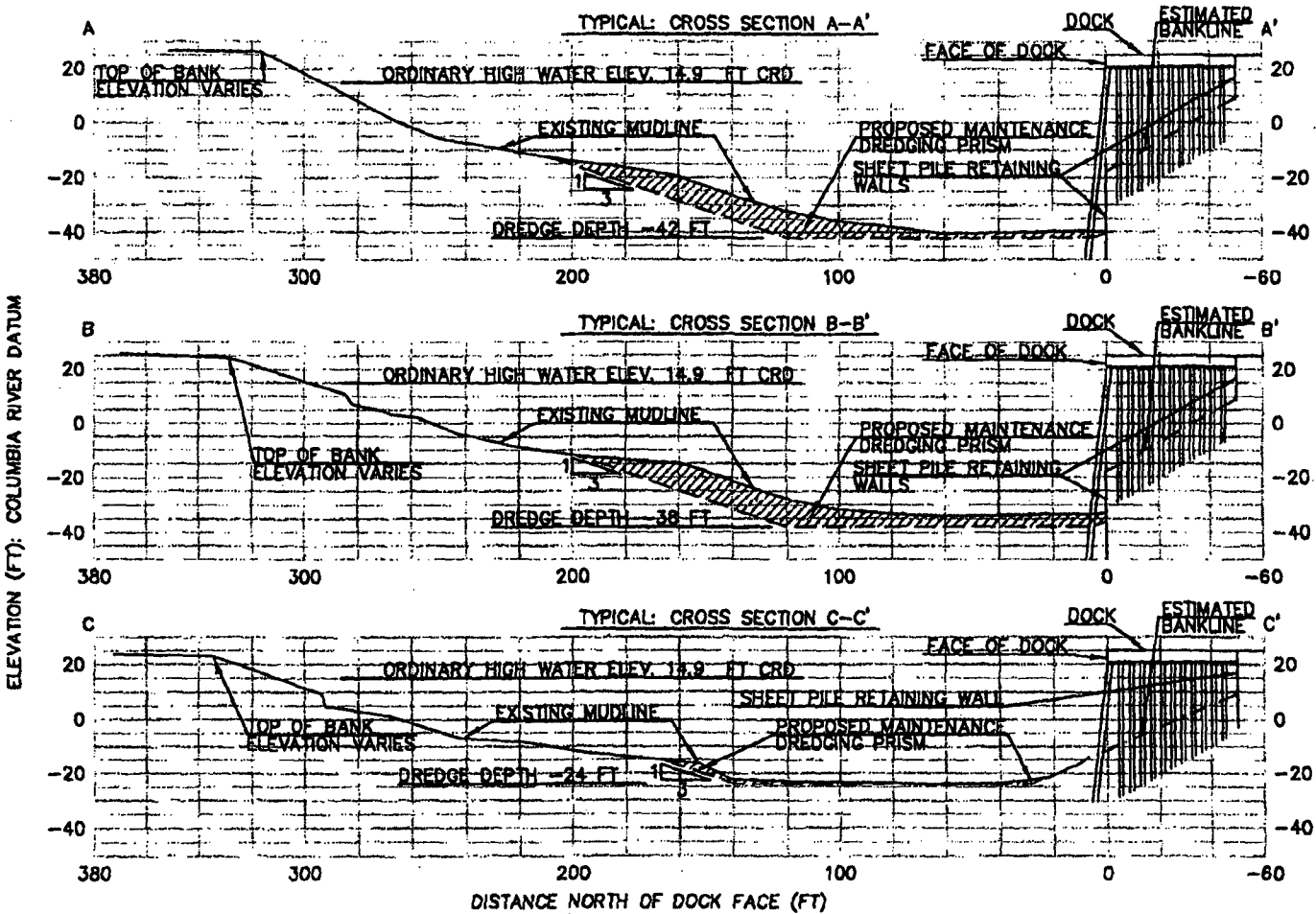
PROPOSED MAINTENANCE DREDGING  
AT INTERNATIONAL TERMINALS

IN: WILLAMETTE RIVER  
AT: RIVER MILE 3.6  
COUNTY OF: MULTNOMAH  
APPLICATION BY: SCHNITZER STEEL  
INDUSTRIES, INC.  
SHEET 1 OF 3 DATE: 5/29/03

SCHN00319171



SCHN00319172



PURPOSE: MAINTAIN NAVIGATION ACCESS  
AND BERTHS FOR SHIPS  
VERTICAL DATUM: COLUMBIA RIVER DATUM  
(CRD). CRD IS 1.6' ABOVE NGVD  
AT WILLAMETTE RIVER MILE 3.6  
ADJACENT PROPERTY OWNERS:  
1. NORTHWEST TERMINAL COMPANY  
2. PORT OF PORTLAND

LATITUDE: 45° 36' 41" N  
LONGITUDE: 122° 46' 42" W  
SCALE: AS SHOWN  
COE NO. 199100099

PROPOSED MAINTENANCE DREDGING  
AT INTERNATIONAL TERMINALS  
IN: WILLAMETTE RIVER  
AT: RIVER MILE 3.6  
COUNTY OF: MULTNOMAH  
APPLICATION BY: SCHNITZER STEEL  
INDUSTRIES, INC.  
SHEET 3 OF 3 DATE: 5/29/03

SCHN00319173

# Division of State Lands

775 Summer Street NE  
Suite 100  
Salem Oregon 97301-1279  
Ph 503-378-3805  
Fax 503-378-4844

ADJOINING PROPERTY OWNER

Tuesday, July 29, 2003  
Page 1 of 2

## APPLICATION No.: APP0030897

Applicant Name: Schnitzer Steel Products Co.

County: Multnomah; Waterbody: Willamette R.(tributary of Columbia R.); TRSQQ: 02N01W35

The Oregon Division of State Lands (DSL) has received an application for a project at the above-described location. This application has been assigned to DSL Coordinator Kirk Jarvie, who can be reached at 503 378-3805 x320. You can read or download a copy of the application via our website:

[www.statelandsonline.com](http://www.statelandsonline.com)

Select the County for this project and then click on the application number.

The comment period on this application ends at 5:00 pm on September 12, 2003.

All comments will be evaluated and carefully considered before an authorization is issued. Copies of the applicable laws and rules are available on the DSL website. You may also submit comments or request a copy of the application via US mail, fax or by phoning the resource coordinator (Kirk Jarvie) at 503 378-3805 x320.

We are interested in your comments on this proposal and would be pleased to answer your questions or provide additional information. Future notifications similar to this letter can be sent to your email address. Please contact us if you are interested.

PLEASE MARK BOXES BELOW AND, IF NEEDED, SUBMIT WRITTEN COMMENTS IN THE SPACE PROVIDED OR ATTACH ADDITIONAL SHEETS. NO RESPONSE BY THE DUE DATE IS PRESUMED TO MEAN "NO COMMENT."

I have reviewed the information and offer the following comments:

- ☐ A permit is required from this agency. Permit type: \_\_\_\_\_
- ☐ The adverse impacts of the project to water resources, though measurable, would not unreasonably impact water resources or unreasonably interfere with navigation, fishing and/or public recreation.
- ☐ The reasonably expected adverse impacts of the project would be acceptable if the project design or construction methods were changed/altered (Please explain below).
- ☐ An alternative site or design should be investigated (Please explain below).
- ☐ The project will adversely impact State and/or federally listed species (Please explain below).

SCHN00319175

- ☐ The project will adversely impact a known archeological and/or historical resource site (Please explain below).
- ☐ The project will adversely impact water resources. Please list/explain the expected adverse water resource impacts (e.g. loss of fish spawning area, conflicts with recreational boating, loss of high functioning wetland).
- ☐ The project will unreasonably interfere with navigation, fishing and or public recreation.
- ☐ The compensatory mitigation is insufficient to compensate for the reasonable expected adverse impacts of the project.
- ☐ We recommend that this permit be denied (Please explain below).

Comments:

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# Oregon

Theodore R. Kulongoski, Governor

## Department of Fish and Wildlife

Sauvie Island Wildlife Area  
North Willamette Wildlife District  
18330 NW Sauvie Island Road  
Portland, OR 97231  
503-621-3488  
FAX 503-621-3025

August 27, 2003

Kirk Jarvie, Columbia County Coordinator  
Oregon Division of State Lands  
775 Summer St NE  
Salem OR 97310



Re: Schnitzer Steel, DSL #: RP 30897/RP 30895

The Oregon Department of Fish and Wildlife (ODFW) appreciates the opportunity to comment on the proposed action. We have reviewed the information in the application and are familiar with the site. The proposal was reviewed considering the ODFW Mitigation Policy, the Oregon Plan for Salmon and Watersheds, and recent research regarding fish use in the lower Willamette River. The primary issue of concern for ODFW is working during the winter in-water work window.

Due to the recent research that documents juvenile salmon and trout use of the lower Willamette River as seasonal rearing habitat, we recommend that the maintenance dredging should occur during the summer work window, only.

Thank you for the opportunity to comment. If you have any questions, I can be reached at (503) 621-3488.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Grimes".

Jim Grimes  
Habitat Biologist  
North Willamette Watershed District

SCHN00319180



# Oregon

Theodore R. Kulongoski, Governor

SEPTEMBER 15, 2003

Division of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 378-3805  
FAX (503) 378-4844  
[www.oregonstatelands.us](http://www.oregonstatelands.us)

## State Land Board

KJ02/30897

SCHNITZER STEEL INDUSTRIES, INC.  
ATTN: JIM JAKUBIAK  
PO BOX 10047  
PORTLAND OR 97296-0047

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

RE: DSL Removal/fill Permit Application Nos. 30895-RP and 30897-RP  
International Terminals Berths 1 - 5  
T2N, R1W, Section 35, Portland, Multnomah County

Dear Mr. Jakubiak:

The Division's 45-day public review period has closed for the above-referenced permit applications. Attached is a copy of all written comments received by the Division. Before continuing to process your applications, we offer you the opportunity to address the following comments relevant to our permit-decision making process:

### Portland BES:

1. Please indicate your intent to use turbidity curtain and/or other means to reduce turbidity.
2. Please provide any new information available on proposed dewatering and disposal site(s) for the dredged material.

Please copy Ms. E. Cadigan, BES, on any response you choose to make on these comments.

### OR Dept. of Fish and Wildlife:

1. Please note that the Department has recommended to DSL that only the "summer" (July 1 to October 31) in-water work period be granted for this project.

Other enclosed comments are provided for your information and do not require a response by the Division. I would ask that any responses you wish to make be submitted in writing within 25 days of the date of this letter to allow adequate time for review prior to making our permit decision. If you wish to provide a response that will take more than 25 days to prepare, please inform me as soon as possible of the anticipated submittal date.

As a reminder, in correspondence dated July 17, 2003, the Division previously identified issues relating to the proposed projects for which discussion is still

SCHN00319183



sought prior to the permit decision. Please have your agent contact me to discuss the following:

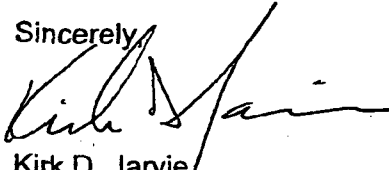
- Possible measures to mitigate for adverse impacts to this shallow water habitat, such as woody vegetation plantings along a designated portion of the river bank.

Please be aware that the Department of Environmental Quality has until October 12, 2003 to submit comments on your applications (ORS 196.825(9)(b)). Should the Department submit comments requiring your response, I will contact you immediately.

A permit decision will be rendered on your applications by October 27, 2003, unless you otherwise request to extend that deadline.

Please call me at extension 320 if you have any questions on this transmittal.

Sincerely,



Kirk D. Jarvie  
Resource Coordinator

Enclosure

Copy to: Mary Headley, Corps of Engineers  
Jerald Ramsden, Parsons Brinckerhoff, Agent

KJ:jr

J:\Counties\Multnomah\Com\_App\30895 & 30897 PRP Comments Letter.doc

SCHN00319184



## United States Department of the Interior

FISH AND WILDLIFE SERVICE

DIVISION OF STATE LANDS  
RECEIVED



Oregon Fish and Wildlife Office

2600 SE 98th Avenue, Suite 100

Portland, Oregon 97266

Phone: (503) 231-6179 FAX: (503) 231-6195

2004 JAN 13 P 1:46 30895  
30897

Reply To: 8330.06454 (03)  
File Name: Schnitzer dredging informal s7.wpd  
TS Number: 04-1070

JAN 05 2004

Mr. Lawrence C. Evans  
Chief, Regulatory Branch  
Portland District, Corps of Engineers  
P.O. Box 2946  
Portland, Oregon 97208-2946  
Attn: Ms. Mary J. Headley

Re: Informal Consultation Request Regarding Maintenance Dredging at Berths 1, 2, 3, 4, and 5, Schnitzer Steel Industries, International Terminal Docks, Willamette River, Portland, Oregon (1-7-03-I-645, Corp Public Notices 1991-00099 and 1992-00812)

Dear Mr. Evans:

The Fish and Wildlife Service (Service) has reviewed the biological assessments (BAs) for the proposed maintenance dredging by Schnitzer Steel Industries (SSI) at its International Terminal docks in the Willamette River between River Miles 3.8 and 4.1, Multnomah County, Oregon. We received your letter on August 19, 2003. Of interest to the Service is your evaluation of impacts to bald eagles (*Haliaeetus leucocephalus*) and the plant, Howellia (*Howellia aquatilis*), both listed as threatened. A "no effect" determination has been made for Howellia; therefore, this species will not be considered further in this consultation. The BAs also address impacts to a number of fish species under the jurisdiction of NOAA Fisheries (formerly the National Marine Fisheries Service). The Federal nexus for the proposed project is the Army Corps of Engineers' (Corps) dredge and fill permits that would be issued under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Our review and comments are provided pursuant to section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1536 *et seq.*) (Act). The BAs for maintenance dredging of Berths 1, 2, 3, 4 and 5 reached a determination of "may effect, but not likely to adversely affect" for bald eagles in the project area.

### Consultation History

On September 22, 2003, the Service responded to your request for informal consultation with a letter stating that we did not concur with the above determination because of project contaminant concerns and possible exposure of bald eagles to contaminant levels that could adversely affect the species. We recommended that a close-lipped clamshell dredge be used to minimize the

exposure of eagles and aquatic organisms, particularly salmonids, to such contaminants during dredging. On October 7, 2003, Jerald Ramsden of Parsons, Brinckerhoff, Quade, and Douglas (Parsons Brinckerhoff), consultants for the project applicant, responded via email to the Service's letter stating that dredging would occur using a close-lipped clamshell dredge and that, based on recommendations made in our review of the public notices for these dredging projects, they would develop a turbidity management plan, keep dredging depths to a minimum, and conduct maintenance dredging during the preferred inwater work period as approved by the Oregon Division of State Lands (ODSL). On October 9, 2003, the Service responded to Mr. Ramsden via email that we believed that the latter conditions described for dredging would help to minimize impacts on fish and wildlife resources, including bald eagles, but that we still believed it necessary to monitor for contaminants levels during and after dredging as recommended in our review of public notices 1991-00099 and 1992-00812. The Service received another letter from Parsons Brinckerhoff via the Corps on December 11, 2003, in which Parsons Brinckerhoff questioned the need for post-dredge sampling in light of their decision to use a close-lipped clamshell dredge and their belief that sediment sampling and analysis showed only minor exceedances of Dredged Material Evaluation Framework (DMEF) screening levels. The question of and need for monitoring will be addressed later in this letter.

### **Project Description**

The project involves maintenance dredging at the SSI International Terminal docks on the Willamette River, Berths 1, 2, 3, 4, and 5. Berths 1, 2, and 3 would be dredged to a maximum depth of -42 feet Columbia River Datum (CRD), -38 feet CRD, or -24 feet CRD depending on the location of the berths within the slip. The initial dredged volume would be 77,000 cubic yards (cy) with another 50,000 cy being dredged in years two through five (25,000 cy every other year on average over the life of the permit). The proposed dredge footprint would cover about 9.6 acres with a maximum length of 2,250 feet and a maximum width of 270 feet. SSI Berths 4 and 5 would be dredged to a maximum depth of -42 feet CRD at Berth 4 and to -36 feet CRD at Berth 5. The initial dredged volume would be 61,000 cy with another 40,000 cy being dredged in years two through five (20,000 cy every other year on average over the life of the permit). For Berths 4 and 5, the dredge footprint would cover about 6.6 acres with a maximum length of 1,600 feet and maximum width of 220 feet. All dredging would be accomplished using a close-lipped clamshell bucket (as recently agreed to by Parsons Brinckerhoff) with transport of the dredged material to approved upland facilities or locations by barge, truck, or rail.

### **Species Account**

Bald eagles nest in the tops of large trees and are strongly associated with aquatic habitats, rarely nesting in Oregon further than one mile from water and their primary prey of fish (Fish and Wildlife Service 1995). Foraging bald eagles require perch trees with an unobstructed view that are adjacent to the water, a dependence that makes bald eagles specifically vulnerable to aquatic-associated disturbance (Fish and Wildlife Service 1995).

In Oregon, the bald eagle breeding season can start as early as January 1 and may extend until August 31 each year. Bald eagles are particularly sensitive to human disturbance during the breeding season, sometimes resulting in the abandonment of nests (Fish and Wildlife Service 1986). Incubation lasts approximately 35 days, and the young are ready to fledge at about 11 to 12 weeks of age (Fish and Wildlife Service 1999). Parental care, however, may continue 4 to 11 weeks after the young have fledged. Wintering bald eagles use the Columbia and Willamette Rivers from November 15 to March 15.

Both adult and juvenile bald eagles are known to use the lower Willamette River and the Willamette/Columbia Rivers confluence area throughout the year. However, since the closest bald eagle nest is over 3 miles from the project site, construction is not expected to directly disrupt nesting activities or the rearing of young. No communal night roosts or perch trees are near the proposed dredging site; therefore, wintering bald eagles would not be affected by dredging that may occur during the wintering season. Your analysis finds that bald eagle foraging activities may be disrupted due to noise levels from the operation of heavy equipment but such disruptions are expected to be temporary in nature. Further, the BAs state that contaminant issues are minimal, do not exceed DMEF screening levels, and would not have significant effects on bald eagles or salmonids. The BA concludes that the project may affect bald eagles, but it is unlikely to affect them adversely.

Based on information provided in the BAs and subsequent correspondence with the Corps and the consultants for the project applicant, the Service concurs with the "may affect, not likely to adversely affect" determination for bald eagles. Our concurrence with this determination was made for the following reasons:

- A close-lipped clamshell bucket will be used to dredge the project sites with all dredged material transported to approved upland facilities or locations by barge, truck, or rail. Any incidences when the close-lipped bucket is not used (breakdowns, etc.) will be provided in a post-dredging report to the Service describing when, where, and the length of time the close-lipped dredge was out of service.
- A turbidity management plan will be developed using guidelines established by the Oregon Department of Environmental Quality (ODEQ).
- Dredging depths, including overdrafts, will be kept to a minimum.
- All inwater work will occur only during the preferred inwater work periods specified by the Oregon Department of Fish and Wildlife (ODFW) or at other times, as needed and coordinated with ODFW and the ODSL.

The requirements established under section 7(a)(2) and 7(c) of the Act have been met, thereby concluding the consultation process. If, however, over the life of the project, information becomes available that reveals effects of project construction that may affect listed species or critical habitat in a manner or to an extent not originally considered in this consultation process, we request reinitiation of consultation.

### **Clean Water Act and Fish and Wildlife Coordination Act Issues**

The Service still considers that there is a need to conduct monitoring of the dredging activities at the SSI International Terminal docks to evaluate 1) the movement of surrounding contaminants into the project site and downstream as a result of dredging; 2) the effectiveness of the close-lipped clamshell dredge in removing contaminated material and minimizing dispersal of contaminated suspended sediment; and 3) the stability of the side-slope materials at the site during the dredging activity. This information will provide a more accurate picture of the impacts of dredging activities in contaminated sites on fish and wildlife resources, including anadromous fish and other listed species. This monitoring effort will directly address the Service's remaining concerns at the site, which are described below:

#### Overview of concerns

The sediment in the area to be dredged contains contaminants elevated above guidance values derived to protect aquatic life, and the Service is concerned that dredging will result in a contaminated layer at the surface of the dredge cut area. Specifically, removing material from the slips could cause contaminated surface material immediately adjacent to the slip to fall into the hole created during dredging and increase the availability of contaminants to anadromous and resident fish and their prey. The degree of contamination resulting from this "sideslope adjustment" is dependent on the current contamination concentrations in the surface layer and the stability of the sideslopes. Even small concentrations of contaminants such as DDT and its metabolites and polychlorinated biphenyls (PCBs) can bioaccumulate into higher organisms and result in adverse effects. The sampling effort (Floyd Snider McCarthy 2003) conducted to characterize the sediments at the site did not sufficiently address these concerns.

#### Specific concerns related to the sediment characterization (Floyd Snider McCarthy 2003)

1) It is unclear from the sediment characterization report for the site (Floyd Snider McCarthy 2003) what specific depth the surface samples collected represent. The characterization report states that "The first core segment reached from the top of the sediment to a depth corresponding to an elevation of -38 feet CRD . . . ." Therefore, it is unknown if most of the contamination is within the biologically active zone (e.g., up to 10 to 30 cm) or within a couple of feet of the surface. Materials sliding into the hole after dredging could result in contaminated sediment being exposed at the surface of the dredge cut and more available to organisms than prior to the dredge event.

2) The quality control (QC) information for DDT and its metabolites and PCBs is not sufficient to conclude that these chemicals would not pose a hazard to fish and wildlife if present in surface sediments. This concern is based on the following: 1) reporting limits were elevated for DDT, DDE, DDD, and PCBs; 2) matrix spike recoveries were reported as a range and could be below 30 percent for DDT, DDE, and DDD; and 3) unresolved matrix effects were noted in many surface samples for DDT (samples SS01..07, SS02..13, SS04..08, SS05..12) and once for DDE (sample SS05..12). Based on review of the QC information presented in Floyd Snider McCarthy

(2003), it is likely that DDT and its metabolites are higher in the surface sediments than actually reported. Specific information on these QC problems follows below:

- **Reporting limits:** As stated in section 8.3 of Floyd Snider McCarthy (2003), "Reporting limits for DDT re-analysis ranged from 3.4 to 6.3  $\mu\text{g/kg}$  versus 1.0  $\mu\text{g/kg}$ ." The 1.0  $\mu\text{g/kg}$  reporting limit is specified in the sampling protocol. The guidance value for DDT and its metabolites is listed as 6.9  $\mu\text{g/kg}$  in the DMEF. This value represents a *summation* of DDT plus metabolites DDD and DDE. For most sample results, the reporting limits were not sufficient to quantify all three compounds, so only two were summed and the other excluded. Therefore, it is likely that most surface samples actually exceeded DMEF guidelines for DDTs. This is contrary to what is indicated in Floyd Snider McCarthy (2003).
- **Matrix spike recoveries:** Section 8.7 of the report indicates that matrix spike and matrix spike duplicate recoveries were 16 to 175 percent for DDT, 30 to 170 percent for DDD, and 12 to 197 percent for DDE. However, the recoveries specific to these analyses for each sample are not mentioned. Therefore, we can assume that DDT, DDD, and DDE may have had recoveries as low as 12 to 30 percent. This is unacceptable and indicates that these compounds could be much higher in the samples than reported.
- **Unresolved matrix effects:** Four surface sediment samples (noted above) had DDT or DDE results flagged with a "UM." This flag is defined in Table 3.1 of Floyd Snider McCarthy (2003) as "indicates an analyte was not detected, and where a matrix effect was present." The Service is concerned that the detection limit was already elevated for this compound, and a matrix effect can mask the actual presence of the expected compound. The presence and concentration of the contaminant cannot be resolved without further analysis, yet it is likely present at a much higher concentration than the 1.0  $\mu\text{g/kg}$  required reporting limit which was not achieved in the results. In Floyd Snider McCarthy (2003), the DDT and DDE concentrations flagged with UM were not included in the summation value used to compare to the total DDT guidance value. Therefore, the results from the collected sediment likely under-represent contamination in surface sediments at the site.

3) The use of background values in the sediment characterization report (section 3.4.3 and Table 3.5 of Floyd Snider McCarthy 2003) was inappropriate. The ODEQ would not consider sediment results from a large Superfund site as background concentrations for site specific needs as was done in the above analysis. Included in the Superfund site results are highly contaminated sediment concentrations resulting from a specific hazardous waste source. It is not appropriate or meaningful to use these samples to represent "background" or "baseline" contamination. Any comparison samples, if collected, should be taken immediately adjacent to the area to be dredged.

4) The Service does not consider the bioaccumulation triggers listed in the DMEF as representative of sediments in the lower Columbia and Willamette Rivers, where

bioaccumulation of compounds such as DDT and PCBs has been associated with reproductive problems for some species. The Service does not use the DMEF triggers as guidance values. Bioaccumulation of contaminants such as DDT and PCBs is a result of numerous factors, and any concentration of these contaminants has the potential to bioaccumulate. In addition, the bioaccumulation triggers listed in the DMEF (as well as all DMEF guidance) are currently under review and will likely be revised. The Service uses site specific information when making an assessment of bioaccumulation.

5) A letter dated December 4, 2003, from Parsons Brinckerhoff engineers to Mr. Lawrence Evans of the Corps makes comparisons to the Port of Portland turbidity monitoring efforts during a similar dredge event by the Port of Portland. The Service cooperated with the Port of Portland during the dredge events at Terminals 2 and 4. The Port conducted both turbidity measurements as NTUs and as total suspended solids as part of their monitoring plan. In addition, the Port of Portland conducted follow-up sampling to evaluate contaminants at the surface of the dredgecut after dredging at Terminal 4. The Service wishes to maintain consistency at all sites dredged within the Portland Harbor Superfund area when it is possible that surface contaminants could recontaminate a dredgecut, or when the dredgecut surface lies near a contaminated layer.

#### Recommendations

To rectify these unresolved issues, the Service recommends the collection of surface samples from the exposed surface of the dredgecut immediately after dredging, using the sampling protocols and tiered approach as described by the DMEF. If grain size indicates very little fines present and is representative of the native materials expected at that depth, then no further chemical testing would be necessary (as per Tier IIa of the DMEF). If fines are present, the Service recommends following the Tier IIb approach of the DMEF to determine contaminant concentrations, including meeting the specified minimum reporting limit for each analyte. For the compounds DDT, DDE, and DDD, minimum reporting limits should be 1.0 µg/kg for each compound. Follow-up analysis is necessary if unresolved matrix effects are noted in QC information.

If you have any questions or need more information, please contact Kathi Larson or Jeremy Buck at (503) 231-6179.

Sincerely,

*Kemper M. McMaster*  
Kemper M. McMaster  
State Supervisor

Mr. Lawrence C. Evans

7

cc:

EPA

NOAA Fisheries

ODFW

ODEQ

ODSL

#### LITERATURE CITED

Fish and Wildlife Service. 1986. Recovery Plan for the Pacific Bald Eagle. Fish and Wildlife Service, Portland, Oregon 160 pp.

Fish and Wildlife Service. 1995. Final rule to reclassify the bald eagle from endangered to threatened in all of the lower 48 states. Federal Register 60 (133):36000-36010.

Fish and Wildlife Service. 1999. Proposed rule to remove the bald eagle in the Lower 48 States from the list of endangered and threatened wildlife. Federal Register 64 (128):36454-36464.

Floyd Snyder McCarthy. 2003. International Terminal Sediment Data Report. Final report prepared for Schnitzer Steel Industries, Inc., June 26. Floyd Snyder McCarthy, Inc., Seattle, Washington.

SCHN00319205



# **International Terminals Water Quality Monitoring Plan**

Prepared for  
**SCHNITZER STEEL INDUSTRIES, INC**

Prepared by  
**Floyd Snider McCarthy, Inc.**  
83 South King Street  
Suite 614  
Seattle, Washington 98104

**January 9, 2004**

**SCHN00319206**

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International Terminals  
WQ Monitoring Plan  
January 5, 2004

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## 1.0 Introduction

This document presents the Water Quality Monitoring Plan (WQMP) for maintenance dredging of Berths 1 through 3<sup>1</sup>, and Berths 4 and 5<sup>2</sup>, of the International Terminals. The site is adjacent to Schnitzer Steel's facility, located in Portland, Oregon. This WQMP has been prepared to ensure compliance with Section 401 of the Clean Water Act and Oregon State Water Quality Standards (OAR 340-41).

Schnitzer Steel Industries, Inc. (Schnitzer) operates the International Terminals and associated berths. Berths within the project area currently support metal recycling operations and are also used to import bulk cargo such as manganese, pig iron, steel coils, and steel slabs.

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<sup>1</sup> Corps Project Number 199100099.

<sup>2</sup> Corps Project Number 199200812.

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## 2.0 Purpose

The WQMP was developed to evaluate water quality and ambient (background) conditions during maintenance dredging in order to ensure that turbidity will remain within acceptable limits outside of the project area and, if necessary, implement corrective actions to mitigate impacts to water quality. The project area includes multiple potential discharge points from the dredge and receiving barge (filtered return water).

This document defines the monitoring procedures that will be followed for water quality monitoring during maintenance dredging within the project area and provides a description of the Best Management Practices (BMPs) that will be implemented to ensure that potential water quality impacts will be minimized.

### 3.0 Best Management Practices

Maintenance dredging activities will be conducted during the Oregon Department of Fish and Wildlife's (ODFW) agreed upon in-water work windows as follows:

- July 1 through October 31 (any year with valid permits);
- January 1 through January 31, 2004; and
- During other times as needed. Activities will be coordinated with the ODFW and approved by the Oregon Division of State Lands.

In addition, the following BMPs will be used to minimize potential water quality impacts. Activities that occur during maintenance dredging with the potential to impact water quality include dredging, barge dewatering of sediments, and sediment offloading at a transload facility. BMPs that will be implemented during each of these activities to minimize potential water quality impacts are described below.

#### 3.1 Dredging BMPs

Mechanical dredging of sediment has the potential to cause sediment resuspension, which can impact water quality and the aquatic environment. The following BMPs will be implemented to minimize potential impacts to the aquatic environment during dredging operations:

- The construction contractor will ensure that no fuel, garbage, or debris enters the waterway from the dredge, receiving barge, other vessels associated with the project.
- Dredging will be conducted using an environmental clamshell bucket that is closed, vented, and sealed in order to minimize the release and redistribution of dredged material to the water column during dredging. In the event that large woody debris or other obstructions must be removed from the dredge prism, the environmental bucket may be replaced by a bucket suitable for the removal.
- Dredging will be conducted using procedures that will minimize potential impacts to water and sediment quality to the extent practicable. These procedures include the following:
  - Slow dredge bucket deployment and retrieval will be required. The maximum rate of retrieval of the dredge bucket will be 2 feet per second for the first 20 feet off the bottom (where the highest potential for bottom sediment disturbance exists). For the remainder of the bucket ascent, the rate may increase up to a maximum of 4 feet per second.
  - The maximum rate of bucket descent will be 10 feet per second and the descent rate will decrease significantly until stopped at the designated depth of digging penetration.
  - "Sweeping" the post-dredge surface to smooth contours will not be allowed.
  - Stockpiling of material on the bottom will not be allowed (i.e., each time the bucket is closed it will be brought to the surface).

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McCarthy, Inc.

- The bucket will be required to pause for several seconds at the water surface during retrieval to release excess water.
- Barges and other floating equipment shall be operated to avoid grounding on the riverbed or banks at any time.

### 3.2 Sediment Dewatering BMPs

Dredging efforts are required to be accomplished in a manner that minimizes the amount of water added to recovered sediment. In practice this is accomplished by taking full depth cuts whenever possible so that the dredge bucket is completely full of sediment and by pausing as the dredge bucket breaks the water surface during bucket retrieval to allow excess water to drain before sediment is discharged onto the receiving barge.

Dredged sediment placed onto the receiving barge will be allowed to passively dewater within the project area prior to being transferred upland. During barge dewatering activities, the following BMPs will be implemented to minimize potential water quality impacts:

- Return water draining from the receiving barge will be treated by filtering water through straw bales and/or geotextile fabric before returning to the waterway.
- Straw bales and geotextile fabric will be changed regularly to ensure efficient filtration of the return water.
- Barges will not be overfilled to the point where recovered material, including both sediment and water, overflows directly back to the waterway.
- During sediment dewatering, the receiving barge will remain within the project area.
- Return water from the barge will not be allowed to discharge to the waterway outside the project area (e.g., during transport to, or while stationed at the transload facility).

### 3.3 Dredged Material Offloading BMPs

The following BMPs will be implemented to prevent potential release of sediment at the transload facility and to prevent potential water quality impacts to the waterway:

- The clamshell bucket used during sediment offloading will not be allowed to swing directly over open water. A protective "capture barge", temporary structure, or spill apron will be placed along the swing pathway of the bucket to prevent material from entering the waterway.
- Railcars or containers used to transport dredged sediment will be lined with impermeable liners prior to being filled.
- The transload facility will be swept regularly to prevent potential spreading or release of sediment.
- Sediment will be removed from the outside of equipment and railcars by brushing or sweeping prior to leaving the transload facility.

---

## 4.0 Water Quality Monitoring Locations

Compliance water quality monitoring will be conducted at the compliance boundary located downstream of project area. Ambient water quality monitoring will also be conducted upstream from the project area to establish background conditions for the river.

Water quality compliance monitoring will be conducted at one location 150 feet directly downstream of the project area, as shown in Figure 4.1. The water quality monitoring station will be relocated, based on field conditions, in order to intercept any visible turbidity plumes originating from dredging operations.

Monitoring stations will be located in the field using a Differential Global Positioning System (DGPS) on board the sampling vessel.

Ambient water quality monitoring will also be conducted at one station located within the waterway but at least 100 feet outside the influence of dredging operations (upstream from project area), as shown in Figure 4.1. Ambient monitoring stations will also be located in the field based on field conditions.

At each compliance or ambient monitoring location, turbidity will be measured and recorded at three depths:

- Shallow to within one meter of the water surface
- Mid depth
- Deep to within one meter of the mudline

Measurements from all three depths will be recorded separately, but will be averaged to determine the turbidity concentration.

Turbidity thresholds were developed in 2001 by Ellis Ecological Services, Inc. (EES) and adopted by the Port of Portland (2001) for maintenance dredging at Terminal 2 and Terminal 5 on the Willamette River. These threshold levels were approved by the Oregon Department of Environmental Quality (ODEQ), the Oregon Division of State Lands, and the U.S. Army Corps of Engineers and were incorporated as a condition of the Terminal 2 and Terminal 5 maintenance dredging permits. The following threshold levels, developed by EES, are proposed for maintenance dredging at the International Terminals (Berths 1-5).



**Table 4.1**  
**Turbidity Threshold Levels for Maintenance Dredging at the**  
**International Terminals during the Allowed In-Water Work Periods**

Turbidity Level (NTU)	July 1 – October 31	January 1 – January 31
Action Level (48 – hour average)	35	44
Stop Work Level (8-hour average)	135	144

Compliance monitoring results will be compared to the turbidity thresholds presented in Table 4.1 to evaluate water quality compliance. In the event that natural background turbidity exceeds the action level or stop work level in Table 4.1, then these levels will be 10 percent above background turbidity in accordance with Oregon State water quality standard (OAR 340-041-0445) for turbidity for the Willamette Basin. An exceedance of the threshold occurs only if the average turbidity exceeds the action level for a consecutive 48-hour period or the stop work level for a contiguous 8-hour period and the monitoring supervisor identifies the dredging operation as the cause of elevated turbidity.

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## 5.0 Water Quality Monitoring Schedule

Turbidity will be monitored visually approximately every 4 hours during dredging operations. If visible turbidity observations indicate a potential problem then the *in situ* compliance-monitoring schedule will be adjusted to sample sooner than the next scheduled monitoring event.

*In situ* compliance monitoring for turbidity will be conducted twice daily for 3 days (intensive monitoring), at the water quality monitoring station located 150 feet downstream from the project area. Compliance monitoring results will be compared to turbidity thresholds (shown in Table 4.1) and ambient concentrations.

If exceedances are measured, another round of compliance monitoring and ambient monitoring will be initiated to verify the exceedance and ODEQ will be notified. If turbidity is consistently found to be acceptable during subsequent "intensive" monitoring, monitoring will return to visual-only monitoring every 4 hours during dredging operations. Apparent visual exceedances will trigger a return to intensive monitoring (twice daily instrument monitoring)\_until turbidity exceedances ceases. Visual-only monitoring every 4 hours would then resume.

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McCarthy, Inc.

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## **6.0 Water Quality Monitoring Equipment and Methodology**

Turbidity measurements will be collected using a turbidity meter. Prior to each use, the turbidity meter will be calibrated according to the manufacturer's instructions. When the interface screen shows no significant change in the readings, the probe will be considered calibrated and ready for monitoring. Turbidity readings will be measured at each of the three depths specified in Section 4.0. All water quality monitoring field data, as described in Section 8.0, will be documented in the Water Quality Monitoring Report.

To satisfy QA/QC procedures, all field analyses will be conducted in duplicate at least 10 percent of the time. A significant difference ( $\pm 3$  percent) in the replicate analyses will result in a recalibration of the field instrument. All field analyses will be recorded in logbooks and will be traceable to the specific person conducting the calibration.

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## **7.0 Field Equipment Calibration and Preventative Maintenance**

Field instruments will be properly operated, calibrated, and maintained by qualified personnel according to the manufacturer's guidelines and recommendations. Documentation of routine and special preventive maintenance and calibration information will be maintained in the appropriate field or laboratory logbook, and will be available upon request. Each maintenance and calibration logbook entry will include the date and initials of the individual performing the activity.

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## 8.0 Documentation of Water Quality Monitoring Data

Field personnel will prepare daily field water quality monitoring reports detailing monitoring data collection activities and results. These field reports will include the following information:

- Depth of water at monitoring locations.
- Results of water quality monitoring instrumentation.
- Calibration sheets and notes for all daily instrument calibration.
- List of personnel on board vessel.
- Problems encountered that might affect data results.
- Weather at time of water quality monitoring.
- Date and time of exceedances, if any have occurred, and associated corrective actions.
- Station coordinates, including exact time and date of monitoring data documentation.

A Water Quality Monitoring Report will be prepared and submitted to ODEQ after maintenance dredging activities have been completed. This report will include:

- Depth of water at monitoring locations.
- Record of compliance and ambient monitoring results.
- Description of maintenance dredging activities occurring during water quality monitoring activities.
- Description of any monitoring results that exceeded compliance criteria including time and date of the exceedance.
- Description of corrective actions implemented to mitigate water quality impacts.
- Maps indicating water quality monitoring locations.
- Maps showing construction activity locations during water quality monitoring activities.

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WQ Monitoring Plan  
January 9, 2004

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## 9.0 Corrective Action and Notification

If compliance monitoring data indicates a turbidity exceedance of the water quality criteria at the compliance boundary, ODEQ will be notified immediately after the exceedance is confirmed and corrective actions will be evaluated. Corrective actions will include confirming that environmental buckets are properly functioning, modifying dredge procedures (such as changing dredge buckets, slowing or otherwise revising dredge rates, etc.) and/or modifying barge-dewatering procedures (e.g., replacing filter materials or increasing settling time). ODEQ will be informed of potential corrective actions.

Floyd Snider  
McCarthy, Inc.

International Terminals  
WQ Monitoring Plan  
January 9, 2004

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## 10.0 References

Oregon Department of Environmental Quality (ODEQ). Statewide Water Quality Management Plan. Beneficial Uses, Policies, Standards and Treatment Criteria for Oregon. OAR 340-041, Water Pollution.

Port of Portland. 2001. Water Quality Management Plan for Maintenance Dredging. August 31.

Ellis Ecological Services, Inc. 2001. Preliminary Assessment of Potential Effects on Salmonids Associated with Turbidity Caused by Dredging in the Columbia and Willamette Rivers. Memorandum prepared for the Port of Portland. August 30.

# International Terminals Water Quality Monitoring Plan

Department of State Lands  
775 Summer Street NE, Suite 106  
Salem, OR 97301-1279  
☎ 503-378-3805

Permit No.:	30897-RP
Permit Type:	Removal
Waterway:	Willamette River
County:	Multnomah
Expiration Date:	January 14, 2005
Corps No.:	1991-00099

**SCHNITZER STEEL INDUSTRIES, INC.**

IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 378-3805.

Lori Warner, Manager  
Western Region Field Operations  
Oregon Department of State Lands

Lori Wan  
Authorized Signature

January 15, 2004  
Date Issued



## **ATTACHMENT A**

**Special Conditions for Removal/Fill Permit No. 30897-RP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Division of State Lands as part of our monitoring program. The Division has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 127,000 cubic yards (total project) of sand and silt at International Terminals, Berths 1, 2 and 3 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Division and request adjustments to this authorization.
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 1, 2 and 3, shall be conducted between July 1 and October 31 (any year with valid permit) and between January 1 and January 31, 2004, unless otherwise coordinated with ODFW and approved in writing by ODSL.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Division of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described in Application. In the closed position, the bucket shall be sealed so as to minimize sediment resuspension. The barge shall be positioned so as to avoid grounding on the river bed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.

8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Division for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Division of State Lands.

#### **Water Quality Conditions**

10. Dredging activity shall be conducted in strict compliance with the DEQ approved Water Quality Management Plan (WQMP) for the site. The approved WQMP and its contents are incorporated into and become a binding condition of this Permit. The Plan outlines: an effects-based turbidity standard; implementation of action level and stop-work level turbidity thresholds; monitoring protocols; and reporting requirements.
11. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

12. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
13. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.
14. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Division.
15. The Division of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

16. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
17. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.
18. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
19. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
20. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
21. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
22. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
23. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
24. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
25. Dredging will not be allowed from public beach areas.
26. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Division of State Lands, and local land use regulations.

27. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

January 15, 2004

J:\Attachment\westLAS\RP Removal Permits\30897-RP.doc

SCHN00319226



REPLY TO  
ATTENTION OF:

Operations Division  
Regulatory Branch  
Corps No.: 199100099 & 199200812

Mr. James L. Jakubiak  
Schnitzer Investment Corporation  
International Terminal  
PO Box 10047  
Portland, Oregon 97296-0047

Dear Mr. Jakubiak:

The U.S. Army Corps of Engineers (Corps) has completed the review of the permit applications you submitted to conduct maintenance dredging in waters of the United States. The projects are located at the International Terminal Berths 1-5 in the Willamette River, River Miles 3.5-4.1, Section 35, Township 2 North, Range 1 West, Portland, Multnomah County, Oregon.

Although the Corps is prepared to issue the permits, by Federal law, Department of the Army (DA) permits cannot be issued until State 401 Water Quality Certification (WQC) has been issued or waived. The Oregon Department of Environmental Quality (DEQ), which is responsible for WQC has not issued the prerequisite certification.

Upon receipt of DEQ's approval or waiver, the DA permits will be issued, providing the State approval or waiver is furnished within one year of the date of this letter and there have been no significant changes in the Corps evaluation policies during that period nor any significant project modifications.

You must notify us in writing when you receive the State certification and enclose a copy of the State certification as well as any revised drawings illustrating project modifications. Conditions of the DEQ Section 401 Water Quality Certification will become conditions of the final DA permits. Should the State's action on the required certification permit a project different from that shown on the current permit applications, a modification to the applications will be required. You must notify this office of any changes to the project when you submit copies of the State certification/permit. Substantial changes may require a new permit evaluation process, including issuing a new public notice. If the State denies the required Section 401 WQC, the DA permit is denied without prejudice.

DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
POST OFFICE BOX 2946  
PORTLAND, OREGON 97208-2946

JAN 29 2004

DIVISION OF STATE LANDS  
RECEIVED

2004 FEB -2 P 2:54

State - Auth  
30895/30897

SCHN00319227

You are cautioned that commencement of the proposed work prior to actual DA authorization would constitute a violation of Federal laws and subject you to possible enforcement action. Receipt of a permit from the Oregon Division of State Lands does not obviate the requirement for obtaining a Department of the Army permit prior to commencing the proposed work.

If you have any questions regarding this letter, please contact Ms. Mary J. Headley at the letterhead address or telephone (503) 808-4392.

Sincerely,

Lawrence C. Evans  
Chief, Regulatory Branch

Enclosures

Copy Furnished:

Parsons Brinckerhoff Quade & Douglas, Inc. (Jerald Ramsden)  
✓ Oregon Division of State Lands (DSL NO: RF-30895)  
Oregon Department of Environmental Quality (Melville)  
OP-GP (Nelson)



# Oregon

Theodore R. Kulongoski, Governor

October 4, 2004

TW02/30897

ATTN: JIM JAKUBIAK  
SCHNITZER STEEL INDUSTRIES INC  
PO BOX 10047  
PORTLAND OR 97296-0047

RE: Permit No.: 30897-RP  
Waterway: Willamette River (RM 3.6)  
Expiration Date: January 14, 2005

CR 182532

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 378-3805

FAX (503) 378-4844

www.oregonstatelands.us

### State Land Board

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

Randall Edwards  
State Treasurer

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. Please mark the appropriate box below concerning the status report of the project completion and return this letter, along with the renewal fee if you wish to renew, to our office **no later than November 17, 2004**. You may fax your response to (503) 378-4844 and send your renewal fee with the copy of this billing letter.

**If you wish to renew your permit, please note: Failure to request renewal at least 45 days before permit expiration requires that you resubmit a new application for a permit.**

If you have any questions or need additional applications, please call Tina Wold at 378-3805 extension 230.

- ☐ **DO NOT RENEW:** (please mark one)
- ☐ The project has been completed.
  - ☐ I/We have decided not to do this project.

- ☒ **PLEASE RENEW:** (please mark all that apply)
- ☒ The project has **not** been completed.
  - ☐ The project has not been started.
  - ☐ The scope of the project has changed.

- ☒ **RENEWAL FEE ENCLOSED** (Please remit fee of \$150)

RECEIVED

NOV 04 2004

DIVISION OF STATE LANDS

REMITTANCES \$150.00

SCHN00319229

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
☎ 503-378-3805

Permit No.:	<b>30897-RP RENEWAL</b>
Permit Type:	<b>Removal</b>
Waterway:	<b>Willamette River</b>
County:	<b>Multnomah</b>
Expiration Date:	<b>January 14, 2006</b>
Corps No.:	<b>199100099</b>

**SCHNITZER STEEL INDUSTRIES, INC.**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within 10 days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-378-3805.

Lori Warner-Dickason, Manager  
Western Region Field Operations  
Oregon Department of State Lands

Lori Warner-Dickason  
Authorized Signature

December 14, 2004  
Date Issued



## ATTACHMENT A

Permittee: Schnitzer Steel Industries, Inc.

**Special Conditions for Removal/Fill Permit No. 30897-RP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 127,000 cubic yards (total project) of sand and silt at International Terminals, Berths 1, 2 and 3 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Department and request adjustments to this authorization.
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 1, 2 and 3, shall be conducted between July 1 and October 31 unless otherwise coordinated with ODFW and approved in writing by ODSL.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Department of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described in Application. In the closed position, the bucket shall be sealed so as to minimize sediment re-suspension. The barge shall be positioned so as to avoid grounding on the riverbed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.

8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Department for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Department of State Lands.

#### **Water Quality Conditions**

10. **TURBIDITY/EROSION CONTROLS.** The authorized work shall not cause turbidity of affected waters to exceed 10% over natural background turbidity 100 feet downstream of the fill point. For projects proposed in areas with no discernible gradient break (gradient of 2% or less), monitoring shall take place at 4 hour intervals and the turbidity standard may be exceeded for a maximum of one monitoring intervals per 24 hour work period provided all practicable control measures have been implemented. This turbidity standard exceedance intervals applies only to coastal lowlands and floodplains, valley bottoms and other low-lying and/or relatively flat land.

For projects in all other areas, the turbidity standard can be exceeded for a maximum of 2 hours (limited duration) provided all practicable erosion control measures have been implemented. These projects may also be subject to additional reporting requirements.

Turbidity shall be monitored during active in-water work periods. Monitoring points shall be at an undisturbed site (representative background) 100 feet upstream from the turbidity causing activity (i.e., fill or discharge point), 100 feet downstream from the fill point, and at the point of fill. A turbidimeter is recommended, however, visual gauging is acceptable. Turbidity that is visible over background is considered an exceedance of the standard.

The following erosion control measures (and others as appropriate) shall be observed:

- a. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures shall be used sufficient to prevent movement of soil from uplands into waterways or wetlands.
- b. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, shall be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
- c. Erosion control measures shall be inspected and maintained daily, or more frequently as necessary, to ensure their continued effectiveness and shall remain in place until all exposed soil is stabilized.

- d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian or wetland areas shall use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the permitted work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
- e. Where vegetative erosion control is being done on cut slopes steeper than 1H:2V, a tackified seed mulch shall be used so the seed does not wash away before germination and rooting.
- f. Dredged or other excavated material shall be placed on upland areas having stable slopes and shall be prevented from eroding back into waterways or wetlands

Erosion control measures shall be maintained as necessary to ensure their continued effectiveness, until soils become stabilized. All erosion control structures shall be removed when project is complete and soils are stabilized and vegetated.

- 11. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### Contingencies

- 12. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
- 13. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.

14. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Department.
15. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

#### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

16. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
17. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.
18. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
19. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
20. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
21. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
22. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
23. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.

24. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
25. Dredging will not be allowed from public beach areas.
26. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Department of State Lands, and local land use regulations.
27. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

Renewed: December 14, 2004

J:\Attachment\Awes\LAS\RP Removal Permits\30897-RP-2005.doc

Schnitzer Steel

## Fax Transmittal

To: Lori Warner-Dickerson, DSL

From: Jim Jakubiak, SSI

Date: 12/24/2004

Re: Renewed DSL Dredge Permits - SSI

CC: Jerald Ramsden, PB Ports & Marine

3 pages

☐ Urgent

☒ For Use

☐ Please Comment

☒ Please Reply

☐ Please Recycle

Schnitzer Steel Industries, Inc. recently received by mail copies of two renewed "Removal Permits" (Permit Nos. 30895-RP Renewal and 30897-RP Renewal) from the OR. Division of State Lands. Conditions within both permits have been modified. In accordance with General Condition No. 7 of the referenced permits, we respectfully request a hearing with the Director (or duly authorized representatives) to discuss these changes. Attached is correspondence from our consultant outlining some of the issues. Feel free to call me at (503)519-4795

FAXED 12-24-04

SCHN00319236



**PB Ports & Marine**  
**Parsons Brinckerhoff Quade & Douglas, Inc.**

**FAX**

400 SW Sixth Ave., #802  
Portland, OR 97204  
503 274-8772  
503 274-1412 fax

**to:** Lori Warner-Dickason

**from:** Jerald D. Ramsden

**Oregon Division of State Lands**

**date:** December 24, 2004

**phone** 503 274-8772

**phone** (503) 378-3805 x246

**job no.**

**fax** (503) 378-4844

**no. of pages (including this cover)**

**Regarding: Department of State Lands Removal Fill permit No. 30895-RP**

I am responding in accordance with General Condition No. 7 of the referenced permit. I object to Special Condition No. 10 as written. In addition, I need additional time to review the permit in its entirety since it arrived only yesterday (December 22, 2004) even though the 10 days listed in the permit for responding under Condition No. 7 expires tomorrow (December 24, 2004).

I understand (per the attached e-mail from Ms. Kelley to Jerald Ramsden of Parsons Brinckerhoff) there are actually 21 days allowed for response under General Condition No. 7. Therefore, I am requesting either a hearing and/or permit modification regarding Special Condition No. 10. In addition, other objections may be identified by us prior January 4, 2005 which is 21 days after the date of issue shown on the permit as December 14, 2004. If other objections are identified they will be transmitted to DSL in writing on or before January 4, 2005.

Attachment A: E-mail from Ms. Kelley of DSL.

SCHN00319237



PB Ports & Marine  
Parsons Brinckerhoff Quade & Douglas, Inc.

FAX

400 SW Sixth Ave., #802  
Portland, OR 97204  
503 274-8772  
503 274-1412 fax

to: Lori Warner-Dickason	from: Jerald D. Ramsden
Oregon Division of State Lands	date: December 24, 2004
	phone 503 274-8772
phone (503) 378-3805 x246	job no.
fax (503) 378-4844	no. of pages (including this cover)

*Regarding: Department of State Lands Removal Fill permit No. 30897-RP*

I am responding in accordance with General Condition No. 7 of the referenced permit. I object to Special Condition No. 10 as written. In addition, I need additional time to review the permit in its entirety since it arrived only yesterday (December 22, 2004) even though the 10 days listed in the permit for responding under Condition No. 7 expires tomorrow (December 24, 2004).

I understand (per the attached e-mail from Ms. Kelley to Jerald Ramsden of Parsons Brinckerhoff) there are actually 21 days allowed for response under General Condition No. 7. Therefore, I am requesting either a hearing and/or permit modification regarding Special Condition No. 10. In addition, other objections may be identified by us prior January 4, 2005 which is 21 days after the date of issue shown on the permit as December 14, 2004. If other objections are identified they will be transmitted to DSL in writing on or before January 4, 2005.

Attachment A: E-mail from Ms. Kelley of DSL.

SCHN00319238



Department of State Lands  
Summer Street NE, Suite 100  
Salem, OR 97301-1279  
503-378-3805

Permit No.:	30897-RP Modified
Permit Type:	Removal
Waterway:	Willamette River
County:	Multnomah
Expiration Date:	January 14, 2006
Corps No.:	1991-00099

**SCHNITZER STEEL INDUSTRIES, INC.**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-378-3805.

Lori Warner-Dickason, Manager  
Western Region Field Operations  
Oregon Department of State Lands

Lori Warner-Dickason  
Authorized Signature

December 30, 2004  
Date Issued

## ATTACHMENT A

**Special Conditions for Removal/Fill Permit No. 30897-RP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 127,000 cubic yards (total project) of sand and silt at International Terminals, Berths 1, 2 and 3 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Department and request adjustments to this authorization.
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 1, 2 and 3, shall be conducted between July 1 and October 31 (any year with valid permit) and between January 1 and January 31, 2004, unless otherwise coordinated with ODFW and approved in writing by ODSL.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Department of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described in Application. In the closed position, the bucket shall be sealed so as to minimize sediment resuspension. The barge shall be positioned so as to avoid grounding on the river bed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.

8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Department for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Department of State Lands.

#### **Water Quality Conditions**

10. Dredging activity shall be conducted in strict compliance with the DEQ approved Water Quality Management Plan (WQMP) for the site. The approved WQMP and its contents are incorporated into and become a binding condition of this Permit. The Plan outlines: an effects-based turbidity standard; implementation of action level and stop-work level turbidity thresholds; monitoring protocols; and reporting requirements.
11. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

12. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
13. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.
14. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Department.
15. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

16. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
17. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.
18. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
19. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
20. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
21. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
22. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
23. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
24. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
25. Dredging will not be allowed from public beach areas.
26. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Department of State Lands, and local land use regulations.

27. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

Modified December 30, 2004

J:\Attachment\westLAS\RP Removal Permits\30897-RP 2004 Modified 12.30.04.doc

SCHN00319245

DEPARTMENT OF STATE LANDS  
MEMORANDUM

\*\*\*\*Please return files to your assistant\*\*\*\*

October 25, 2006

TO: Jackie Ross  
FROM: Jackie Ross, Resource Coordinator Assistant  
RE: Review of Renewal Files (Exp. February 2007) and  
Multi-year billings  
File number 30897 - RP  
Expiration date 2007

This file is due to expire within the next 90 days. Please review the file and mark one of the boxes below. **Return files to your assistant ASAP**  
Thanks.

- ☒ Okay to send renewal letter. **Updated App Needed (five years):** \_\_\_\_\_
- ☐ Okay to send renewal letter, however, I will be revising the conditions.
- ☐ Revise renewal letter to include:  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ Ok to send annual **billing letter** for multi-year permit.
- ☐ I believe the project is completed and renewal should not be offered (see below).
- ☐ Wait until permit expiration date to close file
- ☐ Other: \_\_\_\_\_

John D. Townsend  
Coordinator Signature

11/14/06  
Date

\\Salem5\FOI\_Forms\Misc\Renewal Review.doc

SCHN00319246



# Oregon

Theodore R. Kulongoski, Governor

CR 200577

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 378-3805  
FAX (503) 378-4844  
www.oregonstatelands.us

November 15, 2006

JMR600/30897

SCHNITZER STEEL INDUSTRIES INC  
ATTN JIM JAKUBIAK  
PO BOX 10047  
PORTLAND OR 97296-0047

State Land Board

Theodore R. Kulongoski  
Governor

Bill Brannbury  
Secretary of State

Randall Edwards  
State Treasurer

RE: Permit No.: LAS App. No.: 30897-RP  
Waterway: Willamette River, (Berths 1, 2 & 3)  
Expiration Date: January 14, 2007

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. Please mark the appropriate box below concerning the status report of the project completion and return this letter. If you wish to renew, also send the renewal fee along with the payment stub to the P.O. Box on the enclosed invoice no later than December 1, 2006. You may fax your response to (503) 378-4844 and send your renewal fee with the copy of this billing letter.

**If you wish to renew your permit, please note: Failure to request renewal at least 45 days before permit expiration requires that you resubmit a new application for a permit.**

If you have any questions or need additional applications, please call the Wetlands & Waterways Conservation Division at 378-3805 extension 234.

( ) **DO NOT RENEW:** (Please mark one. Do not remit payment.)

- ( ) The project has been completed.
- ( ) I/We have decided not to do this project.

(X) **PLEASE RENEW:** (please mark all that apply)

- (X) The project has not been completed.
- ( ) The project has not been started.
- ( ) The scope of the project has changed.

(X) **RENEWAL FEE ENCLOSED** (Please remit fee of \$150.00. Attach the invoice payment stub.)

  
\_\_\_\_\_  
Authorization Signature

November 16, 2006  
\_\_\_\_\_  
Date

**NOTE:** If we have not received a response to this letter at least 45 days before expiration date noted above, we will consider the project complete and close the file. However, any wetland mitigation requirements (including those relating to the monitoring of wetland mitigation), regardless of the status of your permit, continue to be in force as specified by your permit.

J:\Renewal letters\2007\30897-RP.doc

*Fees rec'd 11/27/06  
Validated on Renewal  
letter for 30897-RP*

SCHN00319249



# Oregon

Theodore R. Kulongoski, Governor

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 378-3805  
FAX (503) 378-4844  
www.oregonstatelands.us.

November 15, 2006

JMR600/30897  
SCHNITZER STEEL INDUSTRIES INC  
ATTN JIM JAKUBIAK  
PO BOX 10047  
PORTLAND OR 97296-0047

State Land Board

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

Randall Edwards  
State Treasurer

RE: Permit No.: LAS App. No.: 30897-RP  
Waterway: Willamette River, (Berths 1, 2 & 3)  
Expiration Date: January 14, 2007

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. Please mark the appropriate box below concerning the status report of the project completion and return this letter. If you wish to renew, also send the renewal fee along with the payment stub to the P.O. Box on the enclosed invoice no later than December 1, 2006. You may fax your response to (503) 378-4844 and send your renewal fee with the copy of this billing letter.

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( ) **DO NOT RENEW:** (Please mark one. Do not remit payment.)

- ( ) The project has been completed.
- ( ) I/We have decided not to do this project.

( ) **PLEASE RENEW:** (please mark all that apply)

- ( ) The project has **not** been completed.
- ( ) The project has not been started.
- ( ) The scope of the project has changed.

( ) **RENEWAL FEE ENCLOSED** (Please remit fee of \$150.00. Attach the invoice payment stub.)

\_\_\_\_\_  
Authorization Signature

\_\_\_\_\_  
Date

**NOTE:** If we have not received a response to this letter at least 45 days before expiration date noted above, we will consider the project complete and close the file. However, any wetland mitigation requirements (including those relating to the monitoring of wetland mitigation), regardless of the status of your permit, continue to be in force as specified by your permit.

J:\Renewal letters\2007\30897-RP.doc



SCHN00319250



Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
503-378-3805

Permit No.:	30897-RP Renewal
Permit Type:	Removal
Waterway:	Willamette River
County:	Multnomah
Expiration Date:	January 14, 2008
Corps No.:	1991-00099

**SCHNITZER STEEL INDUSTRIES, INC.**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-378-3805.

Michael Morales, W Region Manager  
Wetlands & Waterways Conservation Div  
Oregon Department of State Lands

  
Authorized Signature

January 23, 2007

Date Issued

SCHN00319251

## **ATTACHMENT A**

**Permittee: Schnitzer Steel Industries, Inc.**

**Special Conditions for Removal/Fill Permit No. 30897-RP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 127,000 cubic yards (total project) of sand and silt at International Terminals, Berths 1, 2 and 3 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Department and request adjustments to this authorization.
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 1, 2 and 3, shall be conducted between July 1 and October 31 unless otherwise coordinated with ODFW and approved in writing by ODSL. The recommended in-water work timing may be modified prior to July 1, 2007. Contact the Department prior to starting work to verify in-water work timing.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Department of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described in Application. In the closed position, the bucket shall be sealed so as to minimize sediment re-suspension. The barge shall be positioned so as to avoid grounding on the riverbed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.

8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Department for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Department of State Lands.
10. An annual report shall be submitted to the Department no later than 30 days after the end of the in-water work period each year. The report shall include the amount of material dredged, the final dredge material disposal site and an approximation of the new basin depth.

#### **Water Quality Conditions**

11. **TURBIDITY/EROSION CONTROLS.** The authorized work shall not cause turbidity of affected waters to exceed 10% over natural background turbidity 100 feet downstream of the fill point. For projects proposed in areas with no discernible gradient break (gradient of 2% or less), monitoring shall take place at 4 hour intervals and the turbidity standard may be exceeded for a maximum of one monitoring interval per 24 hour work period provided all practicable control measures have been implemented. This turbidity standard exceedance interval applies only to coastal lowlands and floodplains, valley bottoms and other low-lying and/or relatively flat land.

For projects in all other areas, the turbidity standard can be exceeded for a maximum of 2 hours (limited duration) provided all practicable erosion control measures have been implemented. These projects may also be subject to additional reporting requirements.

Turbidity shall be monitored during active in-water work periods. Monitoring points shall be at an undisturbed site (representative background) 100 feet upstream from the turbidity causing activity (i.e., fill or discharge point), 100 feet downstream from the fill point, and at the point of fill. A turbidimeter is recommended, however, visual gauging is acceptable. Turbidity that is visible over background is considered an exceedance of the standard.

The following erosion control measures (and others as appropriate) shall be observed:

- a. Filter bags, sediment fences, sediment traps or catch basins, leave strips or berms, or other measures shall be used sufficient to prevent movement of soil from uplands into waterways or wetlands.

- b. To prevent erosion, use of compost berms, impervious materials or other equally effective methods, shall be used to protect soil stockpiled during rain events or when the stockpile site is not moved or reshaped for more than 48 hours.
- c. Erosion control measures shall be inspected and maintained daily, or more frequently as necessary, to ensure their continued effectiveness and shall remain in place until all exposed soil is stabilized.
- d. Unless part of the authorized permanent fill, all construction access points through, and staging areas in, riparian or wetland areas shall use removable pads or mats to prevent soil compaction. However, in some wetland areas under dry summer conditions, this requirement may be waived upon approval by DSL. At project completion, disturbed areas with soil exposed by construction activities shall be stabilized by mulching and native vegetative plantings/seeding. Sterile grass may be used instead of native vegetation for temporary sediment control. If soils are to remain exposed more than seven days after completion of the permitted work, they shall be covered with erosion control pads, mats or similar erosion control devices until vegetative stabilization is installed.
- e. Where vegetative erosion control is being done on cut slopes steeper than 1H:2V, a tackified seed mulch shall be used so the seed does not wash away before germination and rooting.
- f. Dredged or other excavated material shall be placed on upland areas having stable slopes and shall be prevented from eroding back into waterways or wetlands

Erosion control measures shall be maintained as necessary to ensure their continued effectiveness, until soils become stabilized. All erosion control structures shall be removed when project is complete and soils are stabilized and vegetated.

- 12. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leachable preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

- 13. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).

14. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.
15. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Department.
16. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

#### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

17. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
18. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.
19. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
20. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
21. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
22. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.

23. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
24. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
25. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
26. Dredging will not be allowed from public beach areas.
27. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Department of State Lands, and local land use regulations.
28. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

Renewed & Modified: January 23, 2007

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SCHN00319256

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
503-378-3805

Permit No.:	<b>30897-RP MODIFIED</b>
Permit Type:	<b>Removal Permit</b>
Waterway:	<b>Willamette River</b>
County:	<b>Multnomah</b>
Expiration Date:	<b>January 14, 2008</b>
Corps No.:	<b>1991-00099</b>

**SCHNITZER STEEL INDUSTRIES INC**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
2. This permit does not authorize any work that is not in compliance with local zoning or other local, state, or federal regulation pertaining to the operations authorized by this permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under this permit.
3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
6. Employees of the Department of State Lands and all duly authorized representatives of the Director shall be permitted access to the project area at all reasonable times for the purpose of inspecting work performed under this permit.
7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-378-3805.

Michael Morales, W Region Manager  
Wetlands & Waterways Conservation Div  
Oregon Department of State Lands

  
Authorized Signature

April 13, 2007  
Date Issued

SCHN00319257

## **ATTACHMENT A**

**Permittee: Schnitzer Steel Industries, Inc.**

**Special Conditions for Removal/Fill Permit No. 30897-RP. PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT.** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 127,000 cubic yards (total project) of sand and silt at International Terminals, Berths 1, 2 and 3 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
2. No removal activities shall commence within waters of the State without first obtaining any required authorization from the City of Portland for upland disposal. If the local permit(s) results in any modifications in this project relative to this permit, the permit holder shall contact the Department and request adjustments to this authorization.
3. Removal activities in Willamette River, mile 3.8, International Terminal Berths 1, 2 and 3, shall be conducted between July 1 and October 31 unless otherwise coordinated with ODFW and approved in writing by ODSL. The recommended in-water work timing may be modified prior to July 1, 2007. Contact the Department prior to starting work to verify in-water work timing.
4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Department of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described in Application. In the closed position, the bucket shall be sealed so as to minimize sediment re-suspension. The barge shall be positioned so as to avoid grounding on the riverbed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.
8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Department for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Department of State Lands.

SCHN00319258



10. An annual report shall be submitted to the Department no later than 30 days after the end of the in-water work period each year when dredging is conducted. The report shall include the amount of material dredged, the final dredge material disposal site and an approximation of the new basin depth.

#### **Water Quality Conditions**

11. Dredging activity shall be conducted in strict compliance with the DEQ approved Water Quality Management Plan (WQMP) for the site. The approved WQMP and its contents are incorporated into and become a binding condition of this Permit. The Plan outlines: an effects-based turbidity standard; implementation of action level and stop-work level turbidity thresholds; monitoring protocols; and reporting requirements.
12. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

13. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
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15. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Department.
16. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

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17. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
18. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.

19. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
20. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
21. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
22. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
23. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
24. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
25. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
26. Dredging will not be allowed from public beach areas.
27. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Department of State Lands, and local land use regulations.
28. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

Modified: April 13, 2007

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SCHN00319260

DEPARTMENT OF STATE LANDS  
MEMORANDUM

\*\*\*\*Please return files to your assistant\*\*\*\*

September 1, 2007

TO: Mike

FROM: Resource Coordinator Assistant

RE: Review of Renewal Files (Exp. January 2008) and  
Multi-year billings

File number 30897-RP

Expiration date 1-14-08

This file is due to expire within the next 90 days. Please review the file and mark one of the boxes below. Return files to your assistant ASAP

Thanks.

☒ Okay to send renewal letter. Updated App Needed (five years): No

☐ Okay to send renewal letter, however, I will be revising the conditions.

☐ Revise renewal letter to include:

☐ Ok to send annual **billing letter** for multi-year permit.

☐ I believe the project is completed and renewal should not be offered (see below).

☐ Wait until permit expiration date to close file

☐ Other: \_\_\_\_\_

Robert Hall  
Coordinator Signature

9/12/07  
Date

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SCHN00319261



# Oregon

Theodore R. Kulongoski, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 378-3805

FAX (503) 378-4844

www.oregonstatelands.us.

October 1, 2007

JAR600/30897

SCHNITZER STEEL INDUSTRIES INC

ATTN JIM JAKUBIAK

PO BOX 10047

PORTLAND OR 97296-0047

State Land Board

Theodore R. Kulongoski

Governor

Bill Bradbury

Secretary of State

Randall Edwards

State Treasurer

RE: LAS App. No.: 30897-RP Wang Permit No.: NA  
Waterway: Willamette River  
Expiration Date: January 14, 2008

Your removal-fill permit is due to expire soon. If you need to continue the activity outlined in the permit, it is necessary to renew your permit. Please mark the appropriate box below concerning the status report of the project completion and return this letter. If you wish to renew, also send the renewal fee along with the payment stub to the P.O. Box on the enclosed invoice **no later than November 15, 2007.**

**If you wish to renew your permit, please note: Failure to request renewal at least 45 days before permit expiration requires that you resubmit a new application for a permit.**

If you have any questions or need additional applications, please call the Wetlands & Waterways Conservation Division at (503) 986-5234.

( ) The project has been completed. Do not renew my permit. I understand that, if my permit requires it, I still have an obligation to complete required mitigation and submit annual monitoring reports.

( ) I/We have decided not to do this project. Do not renew my permit.

( ) The project has not been started. Please renew my permit.

☒ The project has been started, but not completed. I have attached a letter describing the status of the project, including required mitigation. Please renew my permit.

( ) The scope of the project has changed. I have attached a letter describing all proposed changes. Please renew my permit.

If you are requesting renewal, please remit fee of \$250 and attach the invoice payment stub.

SCHN00319262



## **SCHNITZER STEEL INDUSTRIES, INC.**

12005 N Burgard Road, Portland, Oregon 97203  
P.O. Box 10047, Portland, Oregon 97296-0047  
(503) 224-9900 FAX (503) 286-6948

November 8, 2007

Department of State Lands  
Unit 18  
PO Box 4395  
Portland, OR 97208-4395

**SUBJECT: SCHNITZER INTERNATIONAL TERMINAL: REMOVAL-FILL PERMIT  
30897-RP**

To whom it may concern:

Schnitzer Steel Inc. conducted maintenance dredging at the ship berths at International Terminals located on the Willamette River in Portland, Oregon in 2004. Additional dredging will be required in the future and will be conducted in compliance with the permit issued.

We would be happy to answer any questions you have related to this project. Please contact me at (503) 519-4795 or Mat Cusma at (503) 286-6944.

Sincerely yours,  
**Schnitzer Steel Industries, Inc.**

*for*   
Jim Jakubiak

SCHN00319263

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
☎ 503-378-3805

Permit No.:	30897-RP Renewal
Permit Type:	Removal
Waterway:	Willamette River
County:	Multnomah
Expiration Date:	January 14, 2009
Corps No.:	1991-00099

**SCHNITZER STEEL INDUSTRIES INC**

**IS AUTHORIZED IN ACCORDANCE WITH ORS 196.800 TO 196.990 TO PERFORM THE OPERATIONS DESCRIBED IN THE ATTACHED COPY OF THE APPLICATION, SUBJECT TO THE SPECIAL CONDITIONS LISTED ON ATTACHMENT A AND TO THE FOLLOWING GENERAL CONDITIONS:**

1. This permit does not authorize trespass on the lands of others. The permit holder shall obtain all necessary access permits or rights-of-way before entering lands owned by another.
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3. All work done under this permit must comply with Oregon Administrative Rules, Chapter 340; Standards of Quality for Public Waters of Oregon. Specific water quality provisions for this project are set forth on Attachment A.
4. Violations of the terms and conditions of this permit are subject to administrative and/or legal action which may result in revocation of the permit or damages. The permit holder is responsible for the activities of all contractors or other operators involved in work done at the site or under this permit.
5. A copy of the permit shall be available at the work site whenever operations authorized by the permit are being conducted.
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7. Any permit holder who objects to the conditions of this permit may request a hearing from the Director, in writing, within twenty-one (21) calendar days of the date this permit was issued.
8. In issuing this permit, the Department of State Lands makes no representation regarding the quality or adequacy of the permitted project design, materials, construction, or maintenance, except to approve the project's design and materials, as set forth in the permit application, as satisfying the resource protection, scenic, safety, recreation, and public access requirements of ORS Chapters 196, 390 and related administrative rules.
9. Permittee shall defend and hold harmless the State of Oregon, and its officers, agents, and employees from any claim, suit, or action for property damage or personal injury or death arising out of the design, material, construction, or maintenance of the permitted improvements.

**NOTICE:** If removal is from state-owned submerged and submersible land, the applicant must comply with leasing and royalty provisions of ORS 274.530. If the project involves creation of new lands by filling on state-owned submerged or submersible lands, you must comply with ORS 274.905 - 274.940. This permit does not relieve the permittee of an obligation to secure appropriate leases from the Department of State Lands, to conduct activities on state-owned submerged or submersible lands. Failure to comply with these requirements may result in civil or criminal liability. For more information about these requirements, please contact the Department of State Lands, 503-378-3805.

Michael Morales, W Region Manager  
Wetlands & Waterways Conservation Div  
Oregon Department of State Lands

  
Authorized Signature

November 26, 2007  
Date Issued

SCHN00319264

## ATTACHMENT A

Permittee: Schnitzer Steel Industries, Inc.

### Special Conditions for Removal/Fill Permit No. 30897-RP

**PLEASE READ AND BECOME FAMILIAR WITH CONDITIONS OF YOUR PERMIT:** This project may be site inspected by the Department of State Lands as part of our monitoring program. The Department has the right to stop or modify the project at any time if you are not in compliance with these conditions. A copy of this permit shall be available at the work site whenever authorized operations are being conducted.

1. This permit authorizes the removal of up to 127,000 cubic yards (total project) of sand and silt at International Terminals, Berths 1, 2 and 3 located at T2N, R1W, Section 35, tax lot 500, at Willamette River, mile 3.8, Portland, Multnomah County for maintenance dredging as outlined in the attached permit application, map and drawings, dated July 9, 2003.
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4. The dimensions and depth of the berths shall be no greater than described in Application, Sheets 2 of 3 and 3 of 3. Any alteration of the plan requires Department of State Lands approval.
5. Dredging activity shall be conducted by clamshell bucket from a floating crane and as described in Application. In the closed position, the bucket shall be sealed so as to minimize sediment re-suspension. The barge shall be positioned so as to avoid grounding on the riverbed or banks at any time.
6. All dredge materials shall be placed in barges equipped such that no material shall discharge to waters of the State during loading, transfer and unloading activity.
7. Any return waters generated during transfer and disposal activity shall be provided adequate settling time so that return waters meet water quality requirements of the Department of Environmental Quality.
8. Dredged materials shall be disposed of in appropriately permitted, upland disposal site(s). The selected disposal facility(ies), and any changes thereafter, shall be submitted to the Department for approval prior to use.
9. Any beneficial reuse of dredged materials is subject to a license from, and royalty payments to, the Department of State Lands.

SCHN00319265

10. An annual report shall be submitted to the Department no later than 30 days after the end of the in-water work period each year when dredging is conducted. The report shall include the amount of material dredged, the final dredge material disposal site and an approximation of the new basin depth.

#### **Water Quality Conditions**

11. Dredging activity shall be conducted in strict compliance with the DEQ approved Water Quality Management Plan (WQMP) for the site. The approved WQMP and its contents are incorporated into and become a binding condition of this Permit. The Plan outlines: an effects-based turbidity standard; implementation of action level and stop-work level turbidity thresholds; monitoring protocols; and reporting requirements.
12. Petroleum products, chemicals, fresh cement, sandblasted material and chipped paint or other deleterious waste materials shall not be allowed to enter waters of the state. No wood treated with leach able preservatives shall be placed in the waterway. Machinery refueling is to occur off-site or in a confined designated area to prevent spillage into waters of the state. Project-related spills into water of the state or onto land with a potential to enter waters of the state shall be reported to the Oregon Emergency Response System at 800-452-0311.

#### **Contingencies**

13. If any archaeological resources and/or artifacts are uncovered during excavation, all construction activity shall immediately cease. The State Historic Preservation Office shall be contacted (phone: 503-378-4168).
14. When listed species are present, the permit holder must comply with the federal Endangered Species Act. If previously unknown listed species are encountered during the project, the permit holder shall contact the appropriate agency as soon as possible.
15. The permittee is responsible for carrying-out the terms and conditions of this permit unless the permit is transferred to another party using forms provided by the Department.
16. The Department of State Lands retains the authority to temporarily halt or modify the project in case of unforeseen damage to natural resources.

#### **Lower Willamette River Management Plan Consistency**

The proposed activity at Willamette River, mile 3.8, is located within a designated "Open Water" area of the Lower Willamette River Management Plan (Plan). Maintenance dredging is identified in the Plan as an allowable activity in designated open waters, subject to the following additional conditions.

17. Schedule project development and maintenance to avoid peak public use periods for recreation activities present in the project area.
18. Schedule project development and maintenance to assure, as much as possible, that commercial navigational uses (barge, ship, tug traffic) remain unimpeded.



Attachment A  
30897-RP Renewal

Page 4 of 4

19. Strictly adhere to all public health, safety, and water quality standards, building and zoning codes required by the appropriate local government agencies, the Oregon Water Resources Department, the Oregon Department of Environmental Quality, and U.S. Environmental Protection Agency. Obtain all necessary permits and comply with all permit conditions.
20. There shall be no significant adverse effect to the riparian and aquatic life and habitat by any activity within shallow water (-15 feet Columbia River datum) or Rank 1 and 2 wildlife habitat areas.
21. The area dredged shall be the minimum necessary to accomplish the intended use and comply with these standards.
22. For access dredging, normal removal shall be sufficient to provide access for a period no less than 24 months.
23. Levels of pollutants released into waters by dredging and disposal shall conform to standards approved by DEQ.
24. Sides of dredged channels and basins should be sloped to facilitate physical stabilization. Slopes shall be no steeper than 3:1.
25. Critical periods of fish and wildlife activity as determined by Oregon Department of Fish and Wildlife (ODFW) (spawning, passage, nesting, etc.) shall be avoided.
26. Dredging will not be allowed from public beach areas.
27. All dredging operations must use disposal sites acceptable to the U.S. Army Corps of Engineers, the Department of State Lands, and local land use regulations.
28. Dredging shall be timed so that equipment stays clear of recreational and commercial navigation users of the river, especially during the recreation use season (March – October).

Renewal Issued: November 26, 2007

G:\WWCA\Attachment\WestLAS\RP Removal Permits\30897-RP 08.doc

SCHN00319267

**SMITH & MONROE & GRAY ENGINEERS, INC.**

PARK PLAZA WEST . SUITE 210  
10700 S.W. BEAVERTON HIGHWAY  
BEAVERTON, OREGON 97005  
PHONE 503 / 643-8595  
FAX 503 / 643-8610

CIVIL, STRUCTURAL & MECHANICAL ENGINEERS

MATERIAL HANDLING AND INDUSTRIAL DESIGN

June 3, 2004

Oregon Division of State Lands  
Western Region  
775 Summer Street NE  
Salem, OR 97301-1279

**RE: US ARMY CORPS OF ENGINEERS AND STATE OF OREGON JOINT PERMIT  
SCHNITZER STEEL INDUSTRIES, INC. - DOLPHIN REPLACEMENT**

Dear Sir or Madam:

Enclosed please find a permit application for replacement of an existing dolphin within the Willamette River in Portland, Oregon. A copy of this application has also been sent to the US Corps of Engineers in the Portland office. I understand that no fee is required to submit the application, however, a fee may be assessed after your review.

Let me know if you need anything else on the matter; you can contact me at (503) 643-8595 or email at [steverinella@smgengr.com](mailto:steverinella@smgengr.com).

Sincerely,

  
STEPHEN RINELLA

Cc: Jamie Wilson, Schnitzer Steel Industries, Inc. w/ attachment

DIVISION OF STATE LANDS  
RECEIVED  
2004 JUN -4 P 2:07

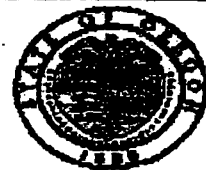
04-25483 PR



US Army Corps  
of Engineers  
Portland District

# JOINT PERMIT APPLICATION FORM

THIS APPLICATION WILL MEET THE REQUIREMENTS OF BOTH AGENCIES



Corps Action ID Number

Oregon Division of State Lands Number

22639-NIP

**SEND ONE SIGNED COPY OF YOUR APPLICATION TO EACH AGENCY**

District Engineer  
ATTN: CENWP-OP-GP  
P.O. Box 2946  
Portland, OR 97208-2946  
503-808-4373

State of Oregon  
Division of State Lands  
775 Summer Street N.E.  
Salem, OR 97310  
503-378-3805

1. **APPLICANT NAME:** Schnitzer Steel Industries, Inc. Business Phone #: 503.286.6982  
Address: 12005 North Burgard Road Home Phone #: \_\_\_\_\_  
Portland, OR 97203 FAX #: 503.286.6971  
ATTN: Jim Goodrich

☐ Co-Applicant ☒ Authorized Agent ☐ Contractor

Name: Smith & Monroe & Gray Engineers, Inc.  
Address: 10700 S. W. Beaverton Hwy. Suite 210  
Beaverton, OR 97005  
ATTN: Steve Rinella

Business Phone #: 503.643.8595  
Home Phone #: \_\_\_\_\_  
FAX #: 503.643.8610

Property Owner (if different than applicant)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Business Phone #: \_\_\_\_\_  
Home Phone #: \_\_\_\_\_  
FAX #: \_\_\_\_\_

## 2. PROJECT LOCATION

Best, road or other descriptive location  
12005 N. Burgard Road  
Portland, OR 97203  
Cross street - N. Lombard

Legal Description			
Quarter	Section	Township	Range
<u>S. W.</u>	<u>35</u>	<u>2</u> North <input type="checkbox"/> South	<u>1</u> East <input checked="" type="checkbox"/> West

In or Near (City or Town) Portland County Multnomah Tax Map # 2N1W35 Tax Lot # 500  
Waterway Willamette River River Mile 4.3 Latitude N45° 36.43' Longitude W122° 46.87'

Is consent to enter property granted to the Corps and the Division of State Lands? ☒ Yes ☐ No

## 3. PROPOSED PROJECT INFORMATION

Activity Type: ☐ Fill ☐ Excavation (removal) ☒ In-Water Structure ☐ Maintain/Repair an Existing Structure  
Brief Description: Replace existing damaged, unsafe wood dolphin with new steel dolphin  
Fill will involve N/A cubic yards annually and/or N/A cubic yards for the total project  
N/A cubic yards in a wetland or below the ordinary high water or high tide line

Fill will be: ☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organics ☐ Other \_\_\_\_\_

Fill Impact Area is N/A Acres; N/A length; N/A width; N/A depth

Removal will involve N/A cubic yards annually and/or N/A cubic yards for the total project  
N/A cubic yards below the ordinary high water or high tide line

Removal will be: ☐ Riprap ☐ Rock ☐ Gravel ☐ Sand ☐ Silt ☐ Clay ☐ Organics ☐ Other \_\_\_\_\_

Removal Impact Area is N/A Acres; N/A length; N/A width; N/A depth

Is the Disposal area: Upland? ☐ Yes ☐ No Wetland/Waterway? ☐ Yes ☐ No

	Yes	No
Are you aware of any Endangered Species on the project site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are you aware of any Cultural Resources on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the project site near a Wild and Scenic River?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If Yes, please explain in the project description (on page 2, block 4).

#### 4. PROPOSED PROJECT PURPOSE AND DESCRIPTION

**Project Purpose and Need:**

Existing dock for loading ocean-going ships with scrap metal. The existing dolphin is badly deteriorated and not capable of holding ship in position for loading.

**Project Description:**

New (8)-piling, breasting dolphin with steel piles to replace existing multiple wood pile dolphin. New dolphin will be located along existing mooring line upriver about 80 feet to provide better mooring support for large ships.

How many project drawing sheets are included with this application? four (4)

**NOTE:** A complete application must include drawings and a location map submitted on separate 8-1/2 x 11 sheets.

Will any material, construction debris, runoff, etc. enter a wetland or waterway? ☐ Yes ☒ No

If yes, describe the type of discharge (above) and show the discharge location on the site plan.

Estimated Start Date summer-fall 2004 Estimated Completion Date summer-fall 2004

#### 5. PROJECT IMPACTS AND ALTERNATIVES

Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland.

The ships are positioned along the mooring to properly load the cargo in designated hatches along the ship. Alternate dolphin locations were considered to optimize the replacement dolphin location to hold the ship secure. The existing dolphin will be removed down to the mud line so there will be no net increase of "shadow area" in the river. The new dolphin is made with eleven 18 inch diameter steel piles, the old dolphin to be removed is made with twenty 16 inch diameter wood piles for a net decrease in number of pile and displaced water.

Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland.

All work will be done from barge positioned in the existing mooring. There will be no disturbance to the existing riverbank or river bottom as a result of the dolphin installation.

**NOTE:** If necessary, use additional sheets.

#### 6. ADDITIONAL INFORMATION

Adjoining Property Owners and Their Addresses and Phone Numbers.

Northwest Pipe Co.  
12005 N. Burgard Road  
Portland, OR 97203  
503.285.1400

Time Oil Co.  
10350 N. Time Oil Rd.  
Portland, OR 97203  
503.286.1611

Port of Portland  
121 N. W. Everett St.  
Portland, OR 97203  
503.944.7000

Has the proposed activity or any related activity received the attention of the Corps of Engineers or the State of Oregon in the past, e.g., wetland delineation, violation, permit, lease request, etc.?

☒ Yes ☐ No

If yes, what identification number(s) were assigned by the respective agencies?

Corps # 199100099, 1992200812, 2001-00890 State of Oregon # RE-1055, RE-30895, 26276-FP

7. CITY/COUNTY PLANNING DEPARTMENT AFFIDAVIT (to be completed by local planning official)

- ☐ This project is not regulated by the local comprehensive plan and zoning ordinance.
- ☒ This project has been reviewed and is consistent with the local comprehensive plan and zoning ordinance.
- ☐ This project has been reviewed and is not consistent with the local comprehensive plan and zoning ordinance.
- ☐ Consistency of this project with the local planning ordinance cannot be determined until the following local approval(s) are obtained:
- ☐ Conditional Use Approval  
☐ Development Permit  
☐ Plan Amendment  
☐ Zone Change  
☐ Other

An application ☐ has ☐ has not been made for local approvals checked above.

John Clapp City Planner Portland 5-28-04  
Signature (of local planning official) Title City/County Date

8. COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the Oregon coastal zone, the following certification is required before your application can be processed. A public notice will be issued with the certification statement which will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program, contact the department at 635 Capital Street NE, Suite 150, Salem, Oregon 97310 or call 503-373-0050.

Certification Statement

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

<u>N/A</u> Print/Type Name	<u>N/A</u> Title
<u>N/A</u> Applicant Signature	<u>N/A</u> Date

9. SIGNATURE FOR JOINT APPLICATION (REQUIRED)

Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete, and accurate. I further certify that I possess the authority including the necessary requisite property interests to undertake the proposed activities. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirements of obtaining the permits requested before commencing the project. I understand that local permits may be required before the state removal-fill permit is issued. I understand that payment of the required state processing fee does not guarantee permit issuance.

Jim Goodrich  
Print/Type Name

General Manager, Schnitzer Steel Industries, Inc.  
Title

[Signature]  
Applicant Signature (coapplicant)

6-2-04  
Date

I certify that I may act as the duly authorized agent of the applicant.

Stephen Rinella  
Print/Type Name

V.P., P.E., Smith & Monroe & Gray Engineers, Inc.  
Title

[Signature]  
Authorized Agent Signature

6/3/04  
Date

SCHN00319274

**SUPPLEMENTAL WETLAND IMPACT INFORMATION\***  
(FOR WETLAND FILLS ONLY)

**Site Conditions of Impact area**

Impact area is: ☐ Ocean ☐ Estuary ☐ River ☐ Lake ☐ Stream ☐ Freshwater Wetland

**Note:** Estuarian Resource Replacement is required by state law for projects involving intertidal or tidal marsh alterations. A separate Wetlands Resource Compensation Plan may be appended to the application.

Has a wetland delineation been completed for this site? ☐ Yes ☐ No

If yes, by whom:

N/A

Describe the existing physical and biological character of the wetland/waterway site by area and type of resource (use separate sheets and photos, if necessary).

N/A

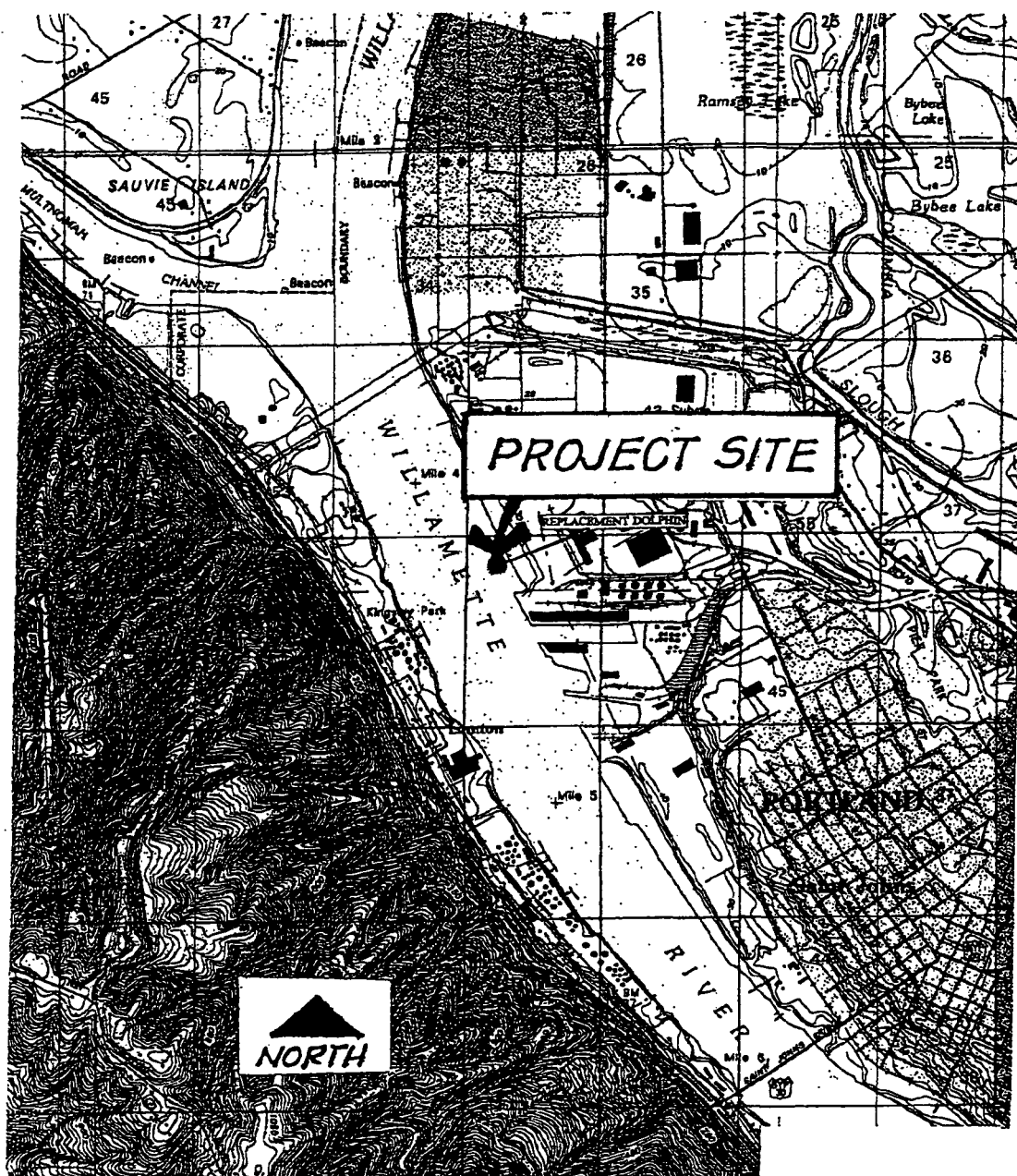
**Resource Replacement Mitigation**

Describe measures to be taken to replace unavoidably impacted wetland resources.

N/A

\* Because this information is not necessary for a complete application, you may submit this sheet and other environmental information after submitting your application.

SCHN00319275



SHEET 1 OF 4



**SCHNITZER STEEL INDUSTRIES INC.**

DOLPHIN REPLACEMENT  
VICINITY MAP  
WILLAMETTE RIVER  
PORTLAND, OREGON

DRAWN BY  
D. McLEAN

DATE  
5/20/04

SCALE  
AS NOTED

DWG. NO.  
**04-028B-A1**

REV.  
A

FILE: D:\04\04028 S

SCHN00319276

W I L L A M E T T E

OHW LINE:

EXISTING DOLPHIN

SHIP

**FLOW**

EXISTING DAMAGED/  
UNSAFE DOLPHIN  
TO BE REMOVED

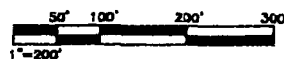
R I V E R

NEW DOLPHIN—  
AT WILLAMMETE  
RIVER MILE 4.3

W.L.  
5.D  
9-19-91

**A SITE PLAN**  
**A2 1"=200'**

SHEET 2 OF 4



**SMITH & MONROE & GRAY**  
**ENGINEERS, INC.**  
PHONE: (503) 843-8585

**SCHNITZER STEEL INDUSTRIES INC.**  
DOLPHIN REPLACEMENT  
SITE PLAN  
WILLAMETTE RIVER  
PORTLAND, OREGON

DRAWN BY  
D. McLEAN

DATE  
5/20/04

SCALE  
AS NOTED

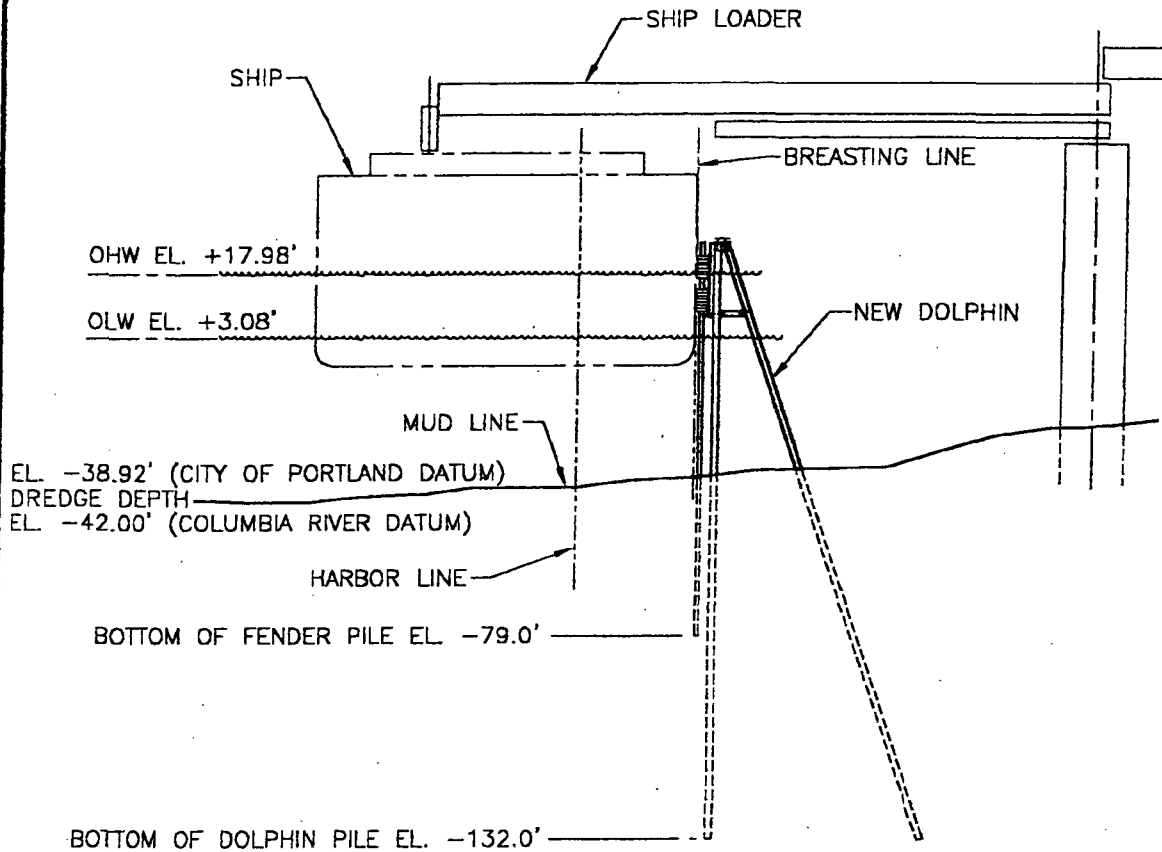
DWG. NO. 04-028B-A2

REV.  
A

SCHN00319277



NOTE:  
ELEVATIONS ARE BASED  
ON CITY OF PORTLAND  
DATUM (COP)



**B** SECTION AT DOLPHIN  
**A3** 1"=100'

SHEET 3 OF 4



**SMITH & MONROE & GRAY**  
**ENGINEERS, INC.**  
PHONE: (503) 843-8585

**SCHNITZER STEEL INDUSTRIES INC.**  
DOLPHIN REPLACEMENT  
SECTION AT DOLPHIN  
WILLAMETTE RIVER  
PORTLAND, OREGON

DRAWN BY  
D. McLEAN

DATE  
5/20/04

SCALE  
AS NOTED

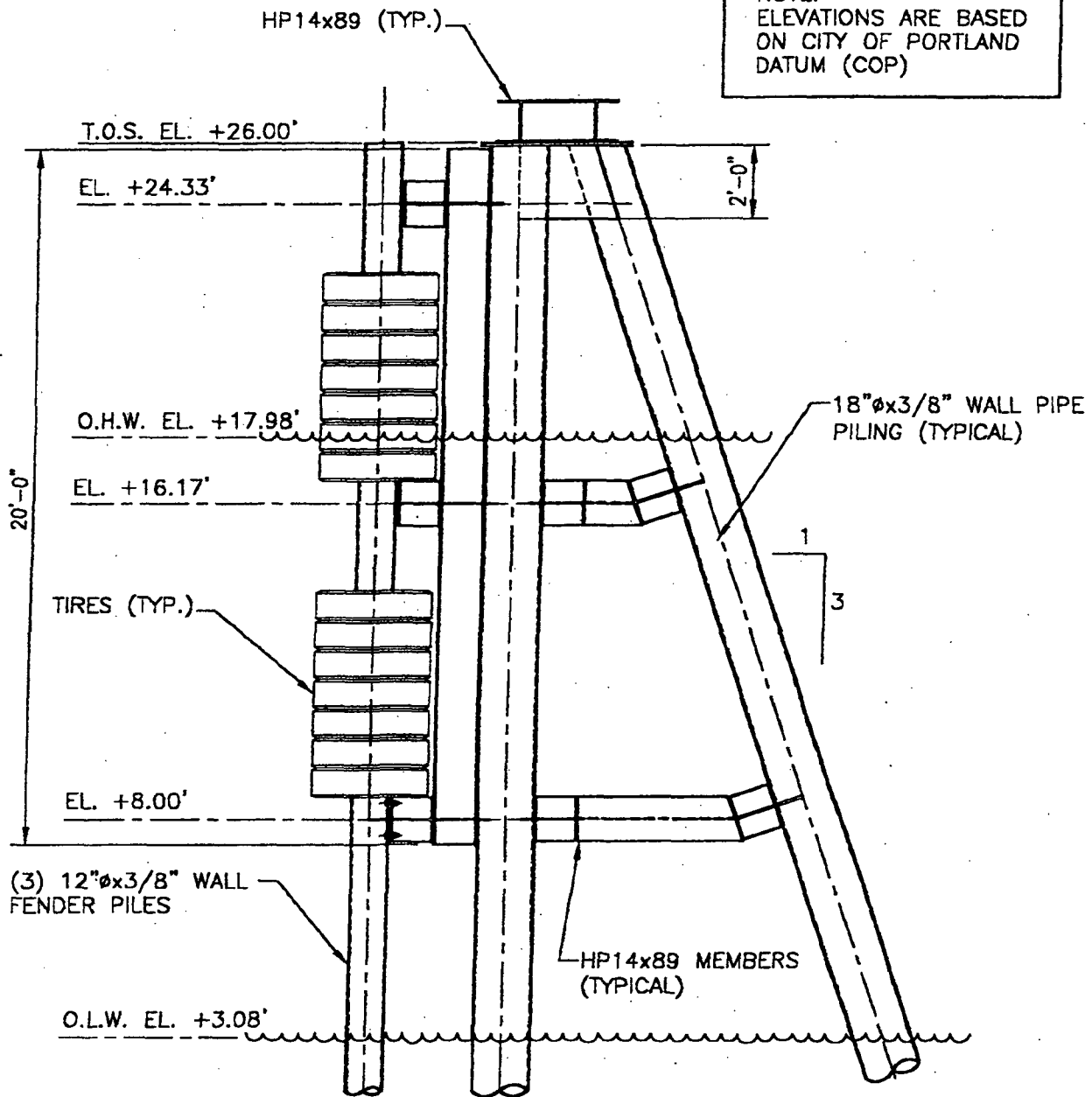
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**04-028B-A3**

REV.  
**A**

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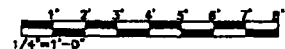
SCHN00319278

NOTE:  
ELEVATIONS ARE BASED  
ON CITY OF PORTLAND  
DATUM (COP)



**A DOLPHIN SIDE ELEVATION**  
A4 1/4" = 1'-0"

SHEET 4 OF 4



**SMITH & MONROE & GRAY**  
**ENGINEERS, INC.**  
PHONE: (503) 843-8585

**SCHNITZER STEEL INDUSTRIES INC.**

DOLPHIN REPLACEMENT  
DOLPHIN ELEVATION  
WILLAMETTE RIVER  
PORTLAND, OREGON

DRAWN BY  
D. McLEAN

DATE  
5/19/04

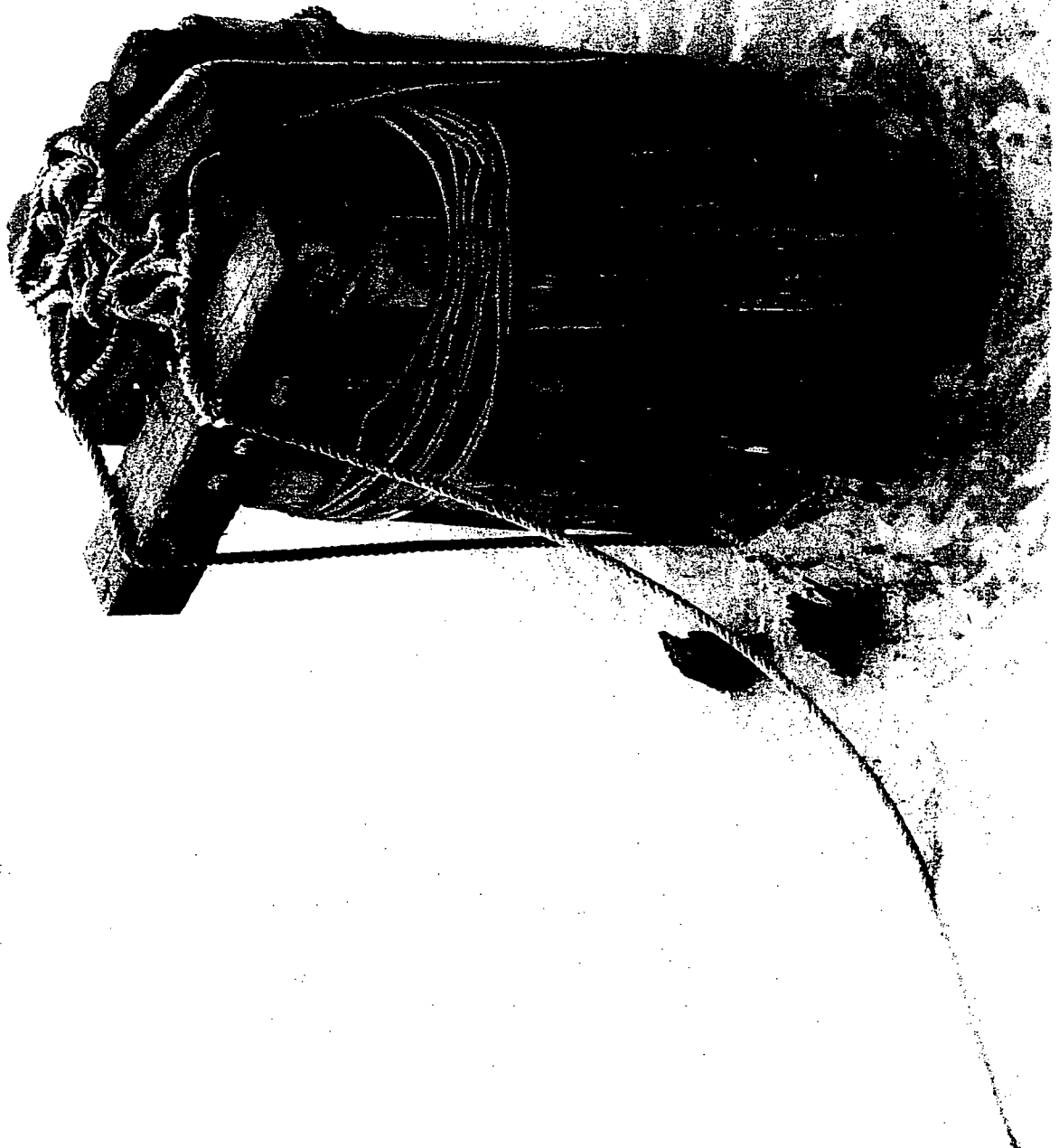
SCALE  
AS NOTED

DWG. NO.  
**04-028B-A4**

REV.

SCHN00319279

EXISTING, DOLPHIN  
TO BE REMOVED



SCHN00319280



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
POST OFFICE BOX 2946  
PORTLAND, OREGON 97208-2946

Don - P&nd  
NSP  
32639

DIVISION OF STATE LANDS  
RECEIVED

REPLY TO  
ATTENTION OF:

June 14, 2004

JUN 15 P 2:33

Operations Division  
Regulatory Branch  
Corps No.: 200100870

**NOTIFICATION OF LETTER OF PERMISSION**

The U.S. Army Corps of Engineers (Corps) is evaluating a request from Schnitzer Steel Industries, Inc. for Department of Army authorization to remove an existing multiple wood pile dolphin and build a new 8-pile steel on the Willamette River. The project is located on the Willamette River, River Mile 4.3, in Portland, Section 35, Township 2 North, Range 1 West, Multnomah County, Oregon. Project drawings, labeled Corps No. 200100870, are enclosed for your review.

The activity is to remove an existing multiple wood pile dolphin and build a new 8-pile steel dolphin approximately 80 feet southeast of the existing wood pile dolphin. The new steel pilling would be comprised of (8) 18.75-inch diameter steel piles.

The Corps is considering issuing a Letter of Permission under the provisions of our regulations [33 CFR 325.2(e)(1)] for the work described above. The proposed work is believed to be minor and is not expected to have a significant individual or cumulative impact on environmental values.

If you have any objections to the issuance of a permit for the proposed action, please provide comments within 15 days from the date of this letter. Questions or comments should be directed to me at the letterhead address or by telephoning (503) 808-4385. Comments can also be sent by fax to (503) 808-4375 or by email to [john.w.barco@usace.army.mil](mailto:john.w.barco@usace.army.mil). A listing of addressees is enclosed.

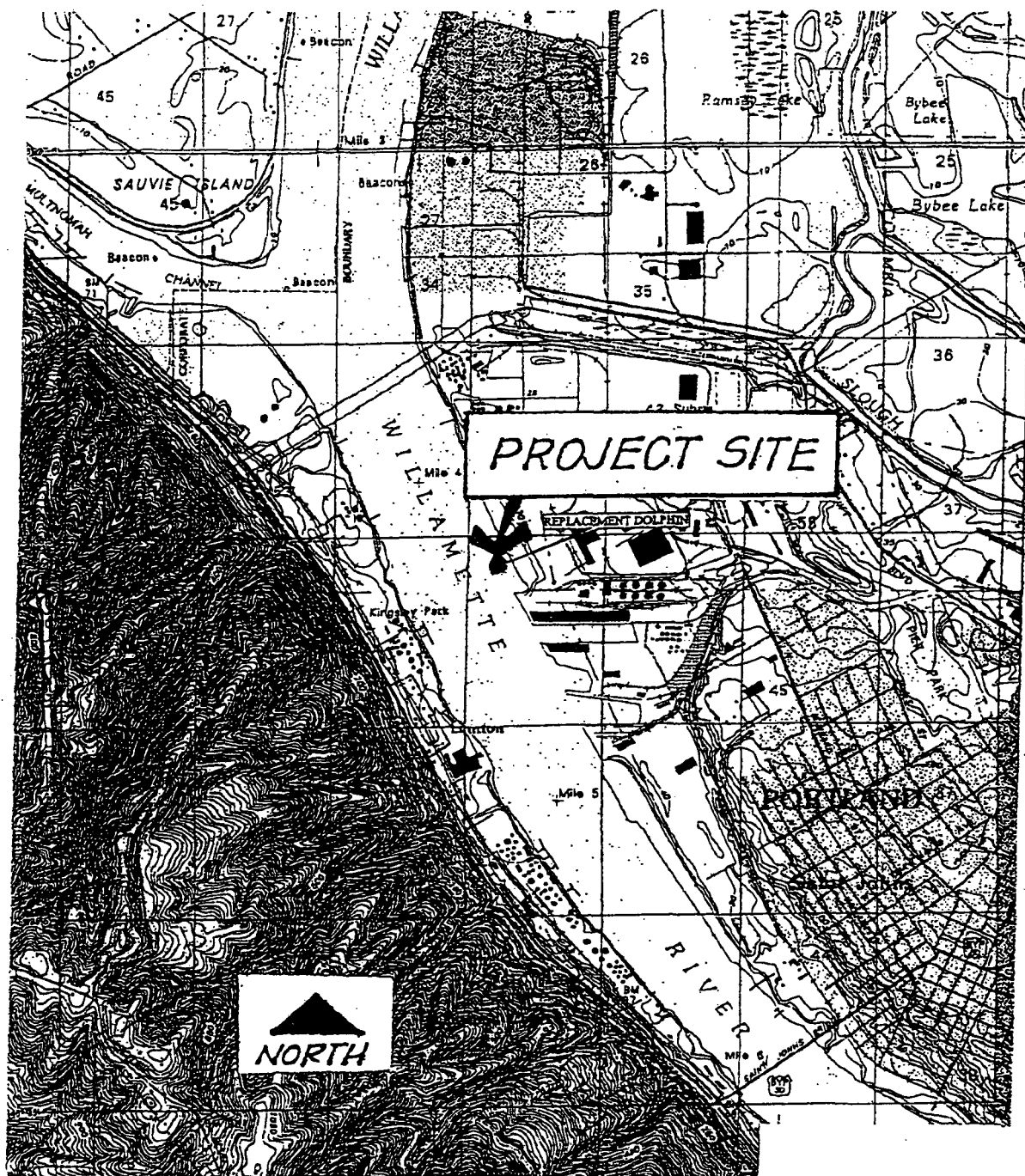
Sincerely,

John W. Barco  
Project Manager  
Regulatory Branch

Enclosures

Copy Furnished:  
Listing of addressees

SCHN00319281



Source Data: USGS 1:25,000 Scale: 1:25,000 Detail: 13-0 Datum: WGS84

SHEET 1 OF 4

**SMITH & MONROE & GRAY**  
**ENGINEERS, INC.**  
 PHONE: (503) 843-8585

**SCHNITZER STEEL INDUSTRIES INC.**

DOLPHIN REPLACEMENT  
 VICINITY MAP  
 WILLAMETTE RIVER  
 PORTLAND, OREGON

DRAWN BY  
 D. McLEAN

DATE  
 5/20/04

SCALE  
 AS NOTED

DWG. NO.  
 04-028B-A1

REV.  
 A

FILE: D:\04\04028.S

Corps No 200100870

SCHN00319282

R I V E R

OHW LINE-

EXISTING DOLPHIN

SHIP

FLOW -

EXISTING DAMAGED/  
UNSAFE DOLPHIN  
TO BE REMOVED

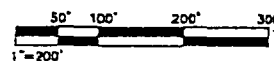
NEW DOLPHIN—  
AT WILLAMMETE  
RIVER MILE 4.3

W.L.  
5.0  
9-19-91



**A SITE PLAN**  
A2 1"=200'

SHEET 2 OF 4



**SMITH & MONROE & GRAY**  
**ENGINEERS, INC.**  
PHONE: (503) 643-8585

**SCHNITZER STEEL INDUSTRIES INC.**  
DOLPHIN REPLACEMENT  
SITE PLAN  
WILLAMETTE RIVER  
PORTLAND, OREGON

DRAWN BY  
D. McLEAN

DATE  
5/20/04

SCALE  
AS NOTED

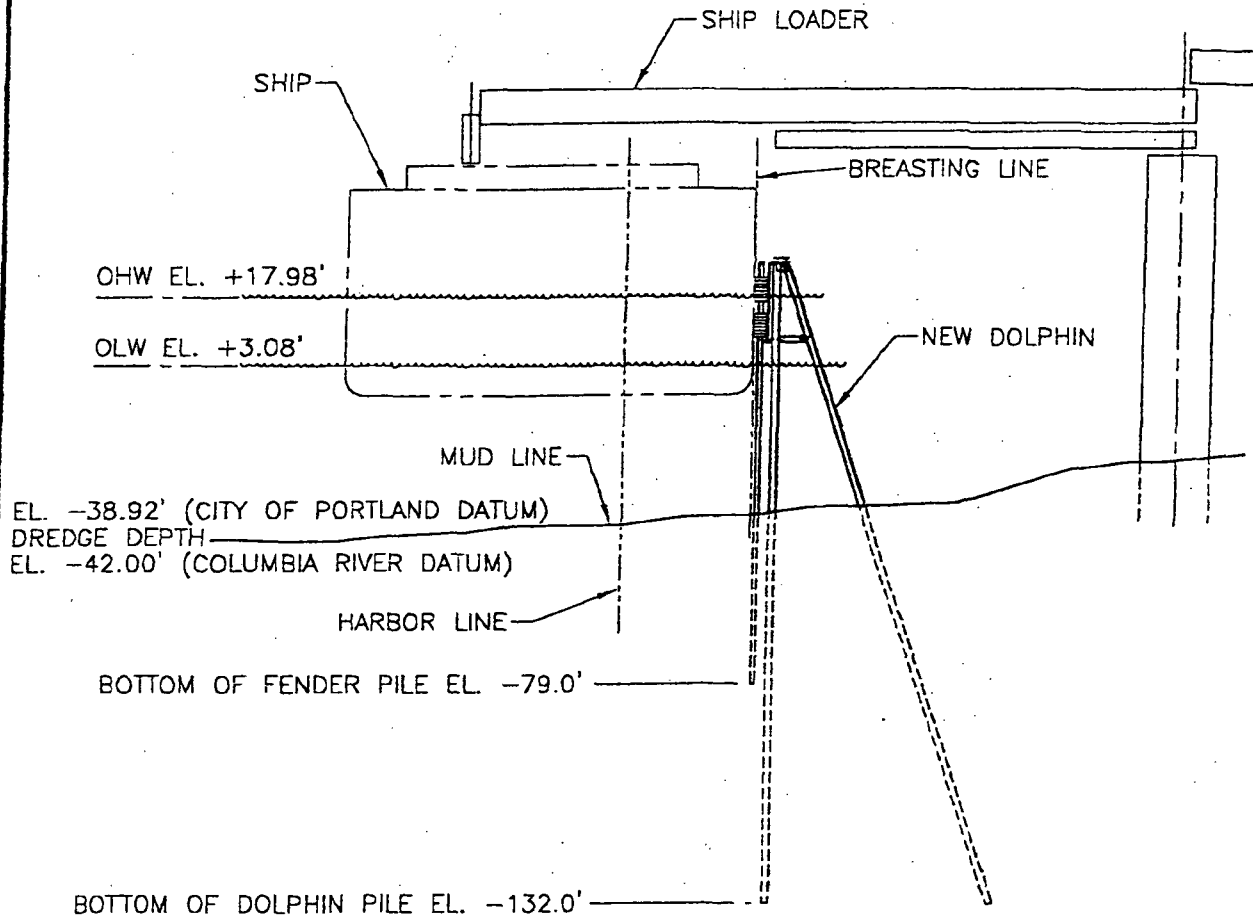
DWG. NO. 04-028B-A2

REV.  
A

Coras No 200100870

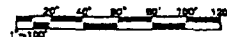
SCHN00319283

NOTE:  
ELEVATIONS ARE BASED  
ON CITY OF PORTLAND  
DATUM (COP)



**B**  
**A3** SECTION AT DOLPHIN  
1"=100'

SHEET 3 OF 4



**SMITH & MONROE & GRAY**  
**ENGINEERS, INC.**  
PHONE: (503) 843-8595

**SCHNITZER STEEL INDUSTRIES INC.**

DOLPHIN REPLACEMENT  
SECTION AT DOLPHIN  
WILLAMETTE RIVER  
PORTLAND, OREGON

DRAWN BY  
D. McLEAN

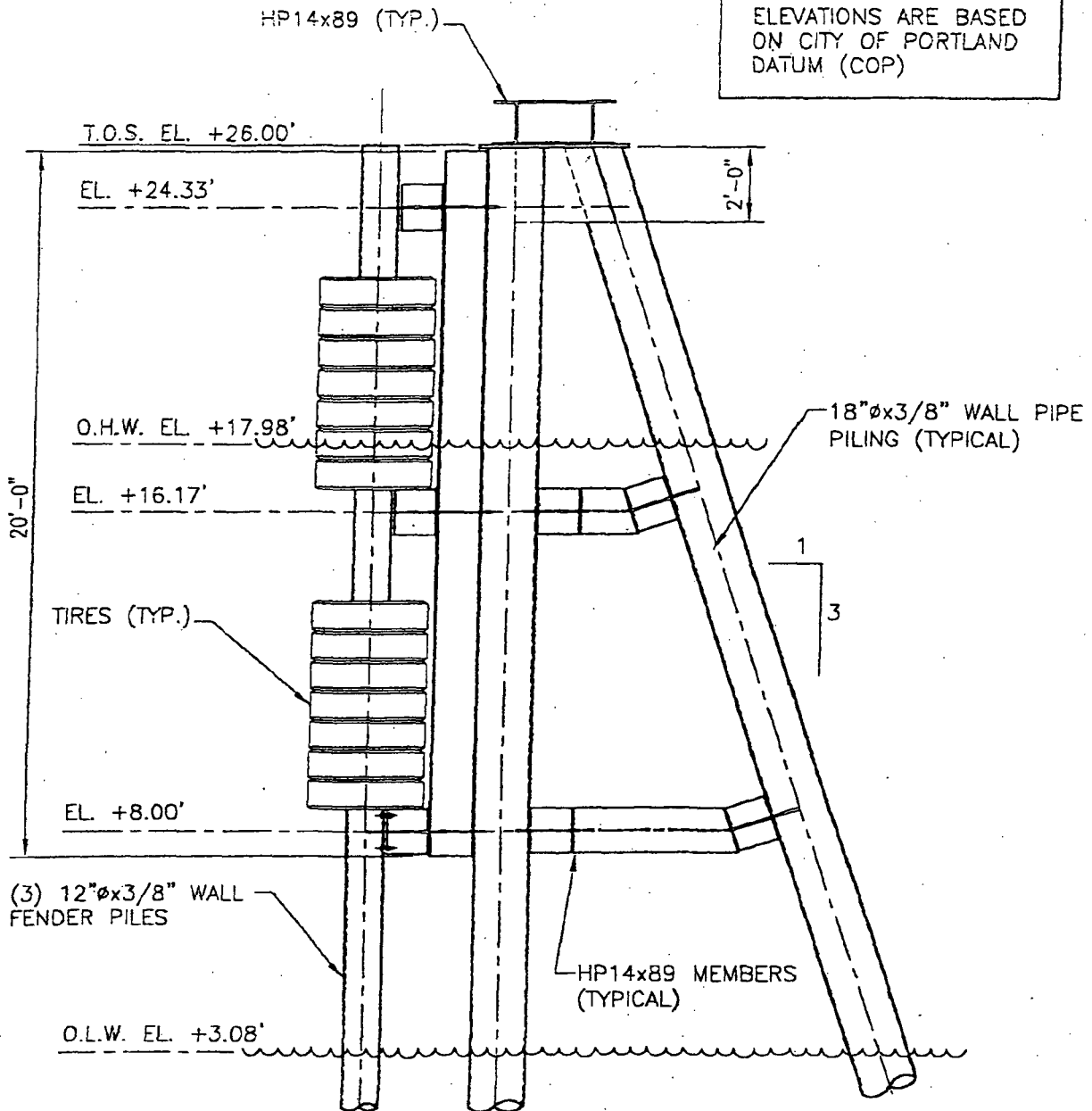
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5/20/04

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AS NOTED

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04-028B-A3

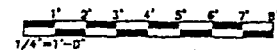
REV.  
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NOTE:  
ELEVATIONS ARE BASED  
ON CITY OF PORTLAND  
DATUM (COP)



**A DOLPHIN SIDE ELEVATION**  
A4 1/4" = 1'-0"

SHEET 4 OF 4



**SMITH & MONROE & GRAY**  
**ENGINEERS, INC.**  
PHONE: (503) 843-8585

**SCHNITZER STEEL INDUSTRIES INC.**

DOLPHIN REPLACEMENT  
DOLPHIN ELEVATION  
WILLAMETTE RIVER  
PORTLAND, OREGON

DRAWN BY  
D. McLEAN

DATE  
5/19/04

SCALE  
AS NOTED

DWG. NO.  
**04-028B-A4**

REV.

Coras No 200100870

SCHN00319285

FILE: Q:\04\04028 SCHNITZER DOLPHIN REPLACEMENT\PHASE B\DRAWINGS\04028BA4.dwg, PLOT 1--48, 5/27/04 at 9:44:26 AM, COMP. //54



This notification with enclosures has also been mailed to the following:

MS. YVONNE VALLETTE  
ENVIRONMENTAL PROTECTION AGENCY  
OREGON OPERATIONS OFFICE  
811 SW SIXTH AVENUE  
PORTLAND, OREGON 97204-1395

MR. MICHAEL TEHAN  
NATIONAL MARINE FISHERIES SERVICE  
ENVIRONMENTAL & TECHNICAL (F/NW03)  
525 NE. OREGON STREET SUITE 500  
PORTLAND, OREGON 97232-2737

MR. KEMPER McMASTER  
US FISH AND WILDLIFE SERVICE  
PORTLAND FIELD STATION  
2600 SE 98TH AVE SUITE 100  
PORTLAND, OREGON 97266

MR. STEVE PURCHASE  
OREGON DIVISION OF STATE LANDS  
775 SUMMER STREET NE  
SALEM, OREGON 97310-1279

MS. NANCY PUSTIS  
OREGON DEPARTMENT OF STATE LANDS  
20310 EMPIRE AVENUE, #B-1  
BEND, OREGON 97701

MR. DENNIS GRIFFIN  
OREGON STATE HISTORIC PRESERVATION  
1115 COMMERCIAL STREET, NE SUITE 2  
SALEM, OREGON 97302-1012

R. DALE BLANTON  
OREGON DEPARTMENT OF LAND  
CONSERVATION AND DEVELOPMENT  
635 CAPITAL STREET NE, SUITE 200  
SALEM, OREGON 97301-2540

COMMANDER (OAN)  
THIRTEENTH COAST GUARD DISTRICT  
915 SECOND AVENUE ROOM 3510  
SEATTLE, WASHINGTON 98174-1067

MS. PATTY SNOW  
OREGON DEPARTMENT OF FISH & WILDLIFE  
ATTN: HABITAT DIVISION  
POST OFFICE BOX 59

OREGON PARKS & RECREATION DEPT.  
1115 COMMERCIAL NE  
SALEM, OREGON 97310-1001

OREGON STATE MARINE BOARD  
435 COMMERCIAL ST NE NO 500  
SALEM, OREGON 97310-3414

SCHN00319286



# Oregon

Theodore R. Kulongoski, Governor

Department of State Lands  
775 Summer Street NE, Suite 100  
Salem, OR 97301-1279  
(503) 378-3805  
FAX (503) 378-4844  
[www.oregonstatelands.us](http://www.oregonstatelands.us)

June 29, 2004

TW02/32639  
Jim Goodrich  
Schnitzer Steel Industries, Inc.  
12005 North Burgard Road  
Portland, OR 97203

RE: 32639-NSP

Dear Mr. Goodrich:

State Land Board

Theodore R. Kulongoski  
Governor

Bill Bradbury  
Secretary of State

Randall Edwards  
State Treasurer

We have received your application to replace damaged, unsafe wood dolphin with a steel dolphin on the Willamette River at river mile 4.3 in SW ¼ Section 35, Township 2N, Range 1W, Portland, Multnomah County, Oregon. The Department of State Lands requires a permit if you plan to remove, fill or alter 50 cubic yards or more of material within the banks of most waters of the state. State designated Essential Salmon Habitat streams and State Scenic Waterways are exceptions in that any amount of removal, fill or alteration typically requires a permit.

Based on your application, this project does not require a permit from the Department as stated in the Department of State Lands Administrative Rules (OAR 141-085-0020(8)):

- (8) Exempt maintenance or reconstruction of certain structures. Maintenance, or reconstruction of certain structures within waters of the state such as dikes, dams, levees, groins, riprap, tidegates, drainage ditches, irrigation ditches, irrigation structures and tile drain systems are exempt from the requirements of these rules, provided that:*
- (a) The structure was serviceable within the past five (5) years; and*
  - (b) Such maintenance or reconstruction would not significantly adversely affect wetlands or other waters of this state to a greater extent than the wetlands or waters of this state were affected as a result of the original construction of those structures.*

You must also receive authorization, when required, from the U.S. Army Corps of Engineers and local planning department before beginning construction.

If you have any questions, please call Dan Cary at 503-378-3805, extension 232.

Sincerely,

Lori Warner  
Manager  
Field Operations—Western Region

c: John Barco, Corps of Engineers  
Stacey M. Wenger, City of Portland, Office of Planning and Development Review  
Steve Rinella, Smith & Monroe & Gray Engineers, Inc.

SCHN00319287

Wood-1758  
32639



**DEPARTMENT OF THE ARMY**  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2946  
PORTLAND, OREGON 97208-2946

REPLY TO  
ATTENTION OF:

March 4, 2005

Operations Division  
Regulatory Branch  
Corps No.: 200100870 (Modification)

Mr. Jim Goodrich  
Schnitzer Steel Products Company  
PO Box 10047  
Portland, Oregon 97296

Dear Mr. Goodrich:

The U.S. Army Corps of Engineers (Corps) has completed an evaluation of your written request, dated February 10, 2004, to extend your Department of the Army (DA) authorization to perform work in or affecting navigable waters of the United States, issued January 10, 2003. The original DA authorization was for: 1) The replacement of 100 untreated timber fender piles with 100 new steel fender piles; 2) Repair of 1000 untreated timber pile tops with new steel members; 3) Removal of a portion of the deck; 4) Installation of up to 128 new steel support piles, while allowing existing wooden piles to remain in place; 5) Installation of new steel pile caps, and steel crane girders; and 6) Replacement of the concrete pier decking. Your request is to extend the DA authorization for a period of two years to complete the replacement of the concrete pier decking. All other work has been completed. The location of the proposed project is in the Willamette River, River Mile 3.7, in Section 35, Township 2 North, Range 1 West, in Portland, Multnomah County, Oregon.

The U.S. Army Corps of Engineers (Corps) hereby modifies your permit to include the work described above. All other terms and conditions of the original permit remain in full force and effect. This letter must be attached to the original permit.

If you have any questions regarding this nationwide permit verification, please contact Mr. John W. Barco at the letterhead address or telephone (503) 808-4385.

Sincerely,

Donald Borda  
Acting Chief, Regulatory Branch

Copy Furnished:

✓ Oregon Department of State Lands (Wood)

SCHN00319288



DEPARTMENT OF THE ARMY  
PORTLAND DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 2946  
PORTLAND, OREGON 97208-2946

app# 32639  
NSP

REPLY TO  
ATTENTION OF:

September 1, 2005

Operations Division  
Regulatory Branch  
Corps No.: 200100870

Mr. Jim Goodrich  
Schnitzer Steel Products Company  
PO Box 10047  
Portland, Oregon 97296

Dear Mr. Goodrich:

The U.S. Army Corps of Engineers (Corps) has received your permit application requesting Department of the Army authorization to place new piling at your facility on the Willamette River as shown in the enclosed drawings (Enclosure 1). The project is located on the Willamette River, River Mile 4.3, in Portland, Section 35, Township 2 North, Range 1 West, Multnomah County, Oregon.

In order to provide adequate load support to an existing dock structure, the permittee will install (9) new 24-inch diameter steel piles within the footprint of the existing structure. Five piles will be installed during the in-water work window of July 31 to October 31 and the remaining four piles will be installed during the December 1 to January 31 in-water work window. No other work is proposed.

This letter verifies that your project is authorized under the terms and limitations of Nationwide Permit No. 3 (Maintenance). Your activities must be conducted in accordance with the conditions found in Regional Conditions (Enclosure 2), General Conditions (Enclosure 3), and the following project Special Conditions:

- A. This permit does not exclude the permittee from liability or any requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 U.S.C. 9601 et. Seq.), the Resource Conservation and Recovery Act of 1978 as amended (42 U.S.C. 6901 et. Seq.), the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et. Seq.), and any and all requirements of the State of Oregon under Revised Statutes or Administrative Rules. The permittee is advised that the work for which this permit is granted is located within the "area of interest" of the Environmental Protection Agency and the Oregon Department of Environmental Quality pursuant to a National Priorities Listing relative to the Willamette River. Granting of this permit by the Portland District, U.S. Army Corps of Engineers, should in no way be

SCHN00319289

construed as approval of this project as being in compliance with the above cited authorities. Neither should the permittee consider this permit as absolving the permittee from any liability or damages from any party whomsoever.

- B. The following special condition is a part of all Department of the Army permits that provide authorization under Section 10 of the Rivers and Harbors Act, regardless whether the permit provides such authorization under Section 10 alone, or in combination with authorization under other laws:

The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

- C. The Biological Opinion which the Corps used to evaluate your proposal for compliance with the ESA and the Magnuson Stevens Act (MSA), is a programmatic procedure developed with National Marine Fisheries Service (NMFS) for specific activities requiring a Corps permit entitled Standard Local Operating Procedures for Endangered Species (SLOPES III) for Certain Regulatory and Operations Activities Carried Out by the Department of the Army Permits in Oregon and the North Shore of the Columbia River, dated November 30, 2004. The Corps recommends that you review the SLOPES III opinion in its entirety, which you may obtain on-line at [http://www.nwr.noaa.gov/1publcat/ho/2004/200401043\\_slopes\\_3\\_11-30-2004.pdf](http://www.nwr.noaa.gov/1publcat/ho/2004/200401043_slopes_3_11-30-2004.pdf)

Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached SLOPES III conditions, which are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of SLOPES III, where a take of the listed species occurs, constitutes an unauthorized take, and constitutes non-compliance with your Corps permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of SLOPES III, ESA, and MSA. To minimize adverse effects on species and/or habitat protected under the ESA or MSA, the Corps requires the Permittee to adhere to the Special Conditions and mandatory terms and conditions to implement the general, activity-specific, and monitoring reasonable and prudent measures (RPM) that are associated with incidental take specified in SLOPES, in the enclosed SLOPES document (in part), (Enclosure 4).

1. **Project Access.** The Permittee shall ensure that the landowner(s) provide reasonable access to the project area for monitoring the use and effectiveness of permit conditions. Reasonable access means, with prior notice to the Permittee, the Corps and NMFS may, at reasonable times and in a safe manner, enter and inspect the permitted project to ensure compliance with the reasonable and prudent measures and terms and conditions of SLOPES.

2. **Salvage Notice.** If a sick, injured or dead specimen of a threatened or endangered species is found, the finder must notify the Portland Office of NMFS Law Enforcement at 503-231-6240. The finder must take care in the handling of sick or injured specimens to ensure effective treatment, and in handling dead specimens to preserve biological material in the best possible condition for later analysis of cause of death. The finder also has the responsibility to carry out instructions provided by Law Enforcement to ensure that evidence intrinsic to the specimen is not disturbed unnecessarily.

3. **General Conditions.** To satisfy the requirements of RPM #2 general conditions for surveying, exploration, construction, operation and maintenance under SLOPES, the Permittee shall fully implement all conditions, as applicable to the permitted activity (Enclosure 4). Please note that the general terms and conditions of RPM #2 cover an array of diverse activities such that not all requirements may apply to your particular project.

4. **Activity-Specific Conditions.**

To satisfy the requirements of over-water and in-water structures under SLOPES, the Permittee shall fully implement all conditions, as applicable to the permitted activity, in RPM #9 (Enclosure 4).

5. **Monitoring.** To satisfy the monitoring requirements of RPM #1 (standard local operating procedures for endangered species; SLOPES III), the Permittee shall submit a project completion report to the Corps within 60 days of finishing work below ordinary high water (refer to Special Condition D of this document for Corps address). The report must contain the following information and be available for inspection on request by NMFS.

- i. Applicant's name and permit number.
- ii. Corps contact person.
- iii. Project name.
- iv. Type of activity.
- v. Project site, including any compensatory mitigation site, by 5th field HUC
- vi. Start and end dates for work completed.
- vii. Photos of habitat conditions at the project site, including any compensatory mitigation site, before, during, and after project completion.

viii. Projects with the following work elements must include these data.

- (1) Work cessation – Dates work ceased due to high flows.
- (2) Fish screen – Proof of compliance with NMFS fish screen criteria.
- (3) Pollution control – A summary of pollution and erosion control inspections, including any erosion control failure, contaminant release, and correction effort.
- (4) Drilling – Describe the drilling method and steps taken to isolate drilling operations, fluids, slurry and spoils from flowing water.
- (5) Pilings – The number, type, and diameter of pilings removed, broken during removal, and installed; and any sound attenuation measures used.
- (6) Site preparation – Riparian area cleared within 150 feet of ordinary high water; upland area cleared; new impervious area created.
- (7) Streambank stabilization – Type and amount of materials used; project size (one bank or two, width and linear feet).
- (8) Road construction, repairs and improvements – Rationale for any new permanent road crossing design.
- (9) In-water and over-water structures – Area of new in-water or overwater structure.

D. You shall notify the Regulatory Branch with the start of work date when the activities authorized in waters of the U.S. begin. Notification shall be sent by e-mail to [CENWP.Notify@usace.army.mil](mailto:CENWP.Notify@usace.army.mil) or mail to:

U.S. Army Corps of Engineers  
CENWP-OP-G  
ATTN: Permit Compliance, Multnomah County (Corps No. 200100870-4)  
P.O. Box 2946  
Portland, Oregon 97208-2946

We also direct your attention to the Regional Conditions, (Enclosure 2), that requires the transfer of this permit if the property is sold and General Conditions (Enclosure 3) that requires you to submit a signed certificate when the work is completed. A "Compliance Certification" is provided (Enclosure 5).

Failure to comply with any of the listed conditions could result in the Corps initiating an enforcement action. This authorization does not obviate the need to obtain other permits where required. Permits, such as those required from the Oregon Department of State Lands (ODSL) under Oregon's Removal /Fill Law, must also be obtained before work begins.

This verification is valid until the NWP is modified, reissued, or revoked. All the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2007. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of the current nationwide permit.

If you have any questions regarding this nationwide permit verification, please contact Mr. John W. Barco at the letterhead address or telephone (503) 808-4385.

Sincerely,

Donald Borda  
Acting Chief, Regulatory Branch

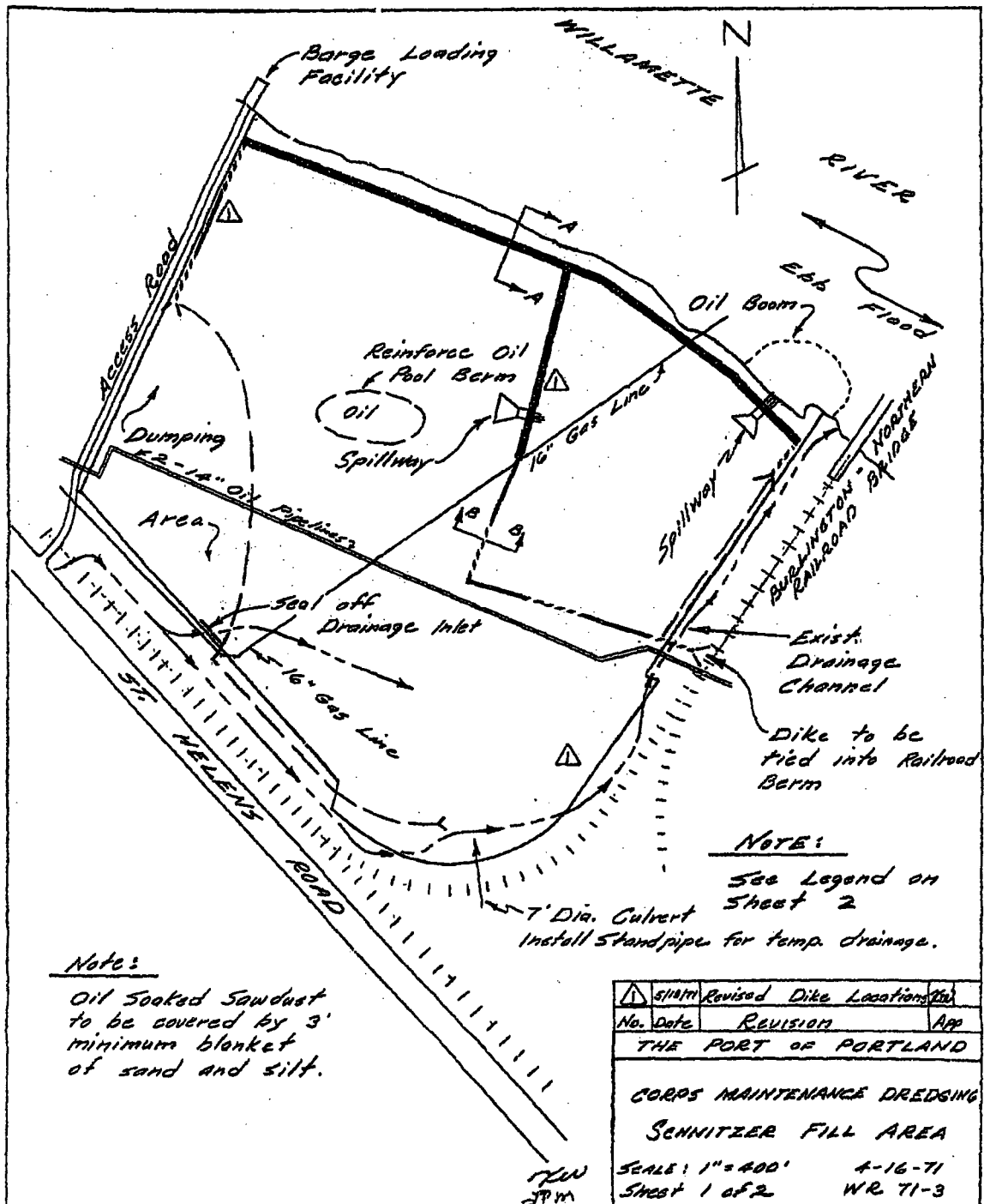
Enclosures

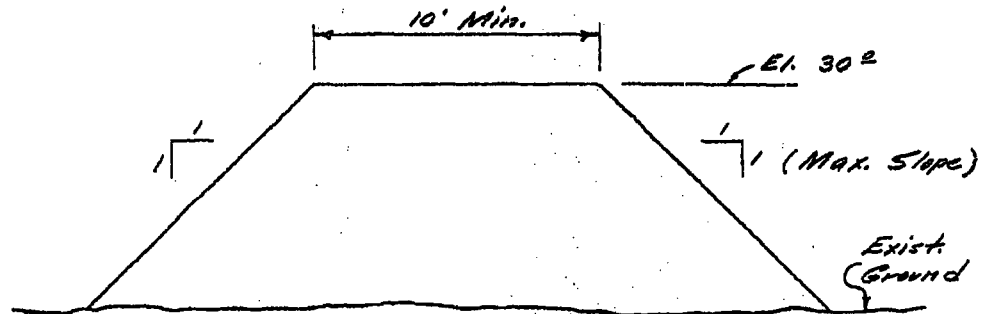
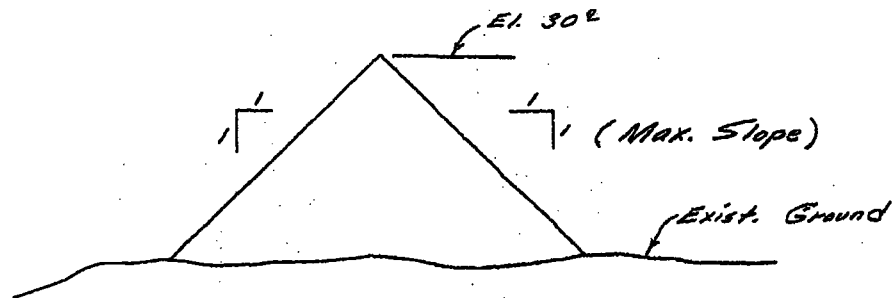
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~~Oregon Department of State Lands~~







SECTION A-ASECTION B-BLEGEND FOR SHEET 1

CONSTRUCT SECTION A-A BERMS

CONSTRUCT SECTION B-B BERMS

EXIST. BERMS OR BANKS - REINFORCE  
AND/OR PROTECT AS REQUIRED

THE PORT OF PORTLAND

CORPS MAINTENANCE DREDGING

SCHWITZER FILL AREA

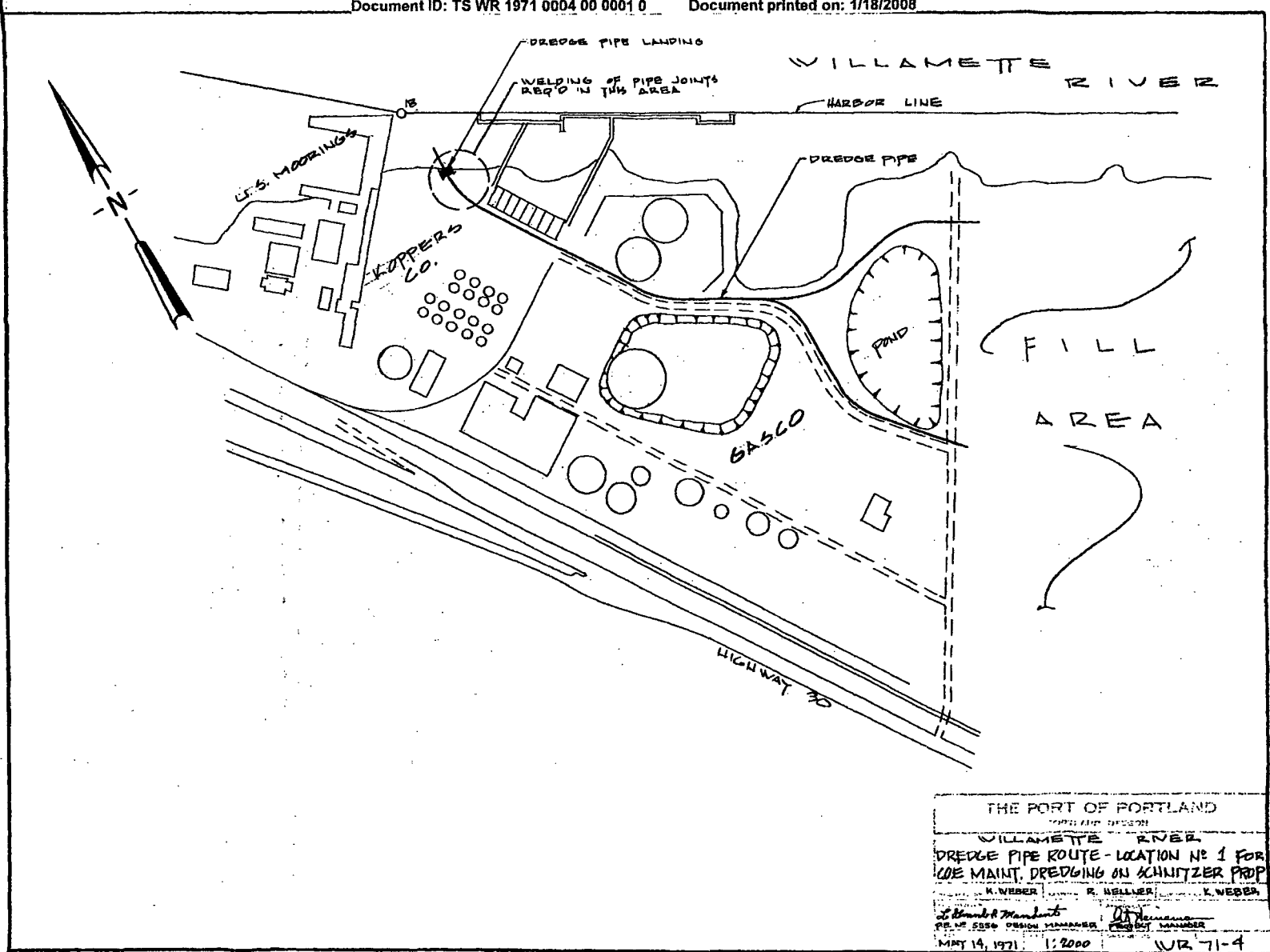
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SHEET 2 OF 2

WR 71-3

JW  
JPM

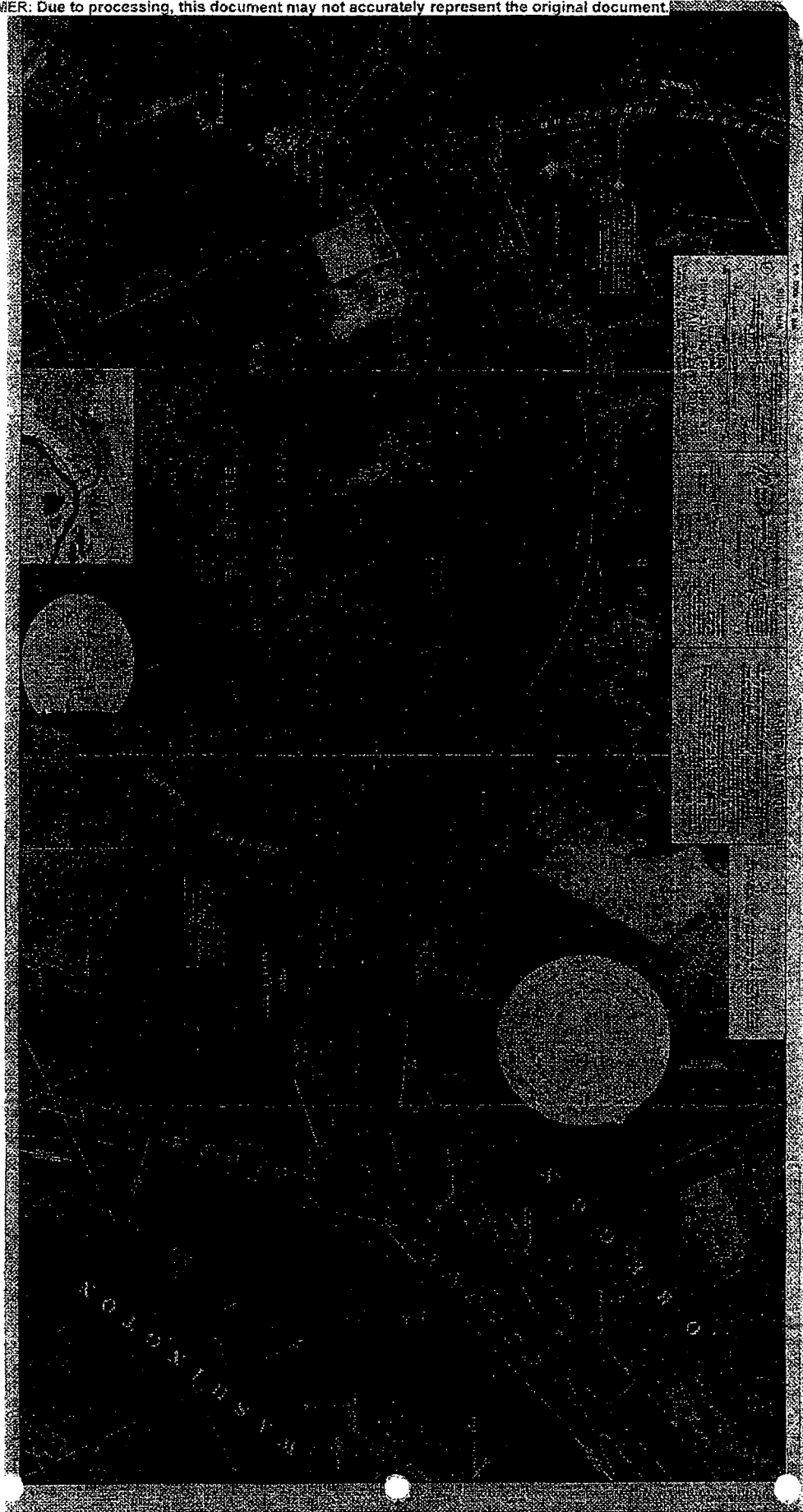




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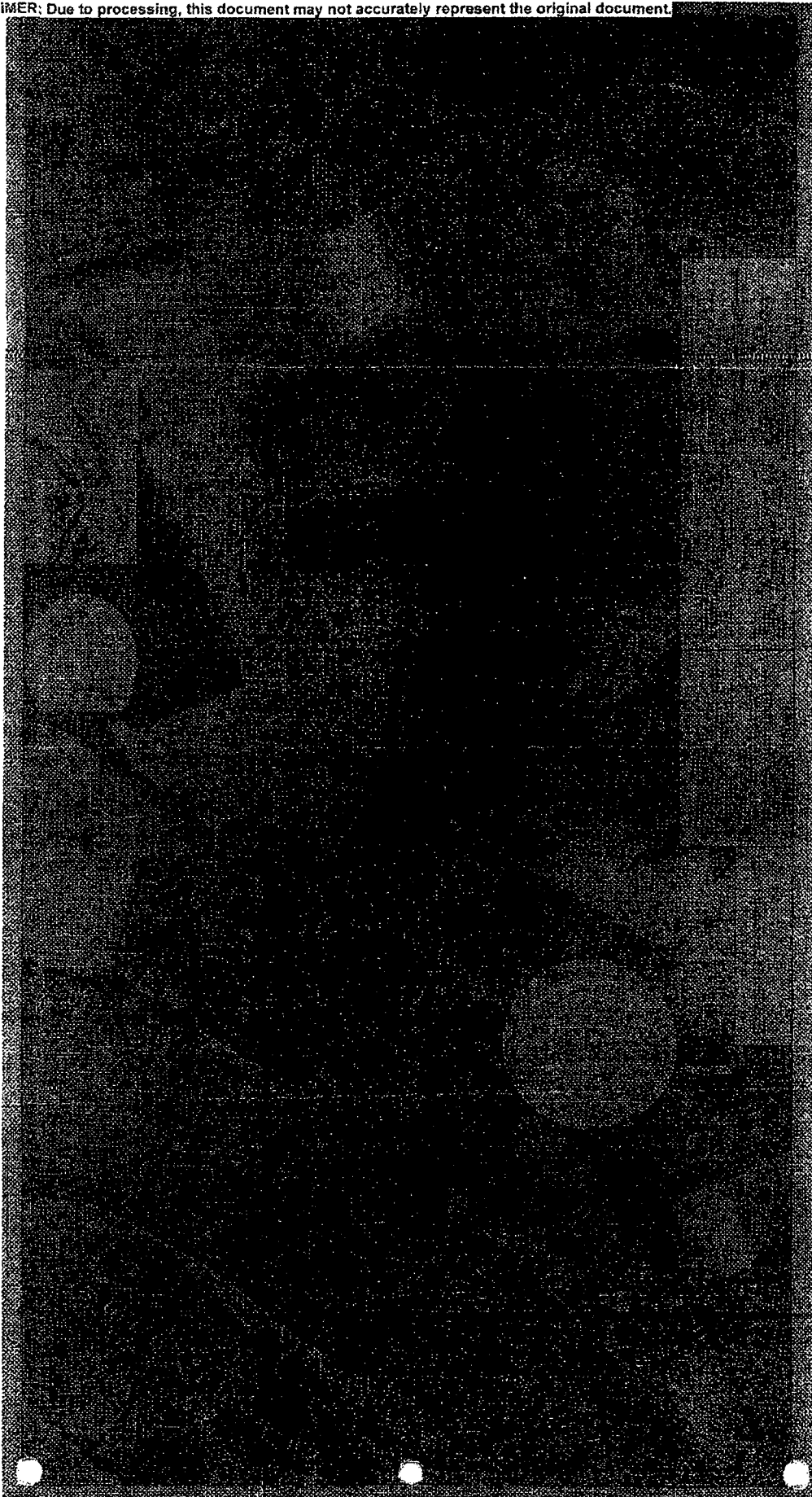


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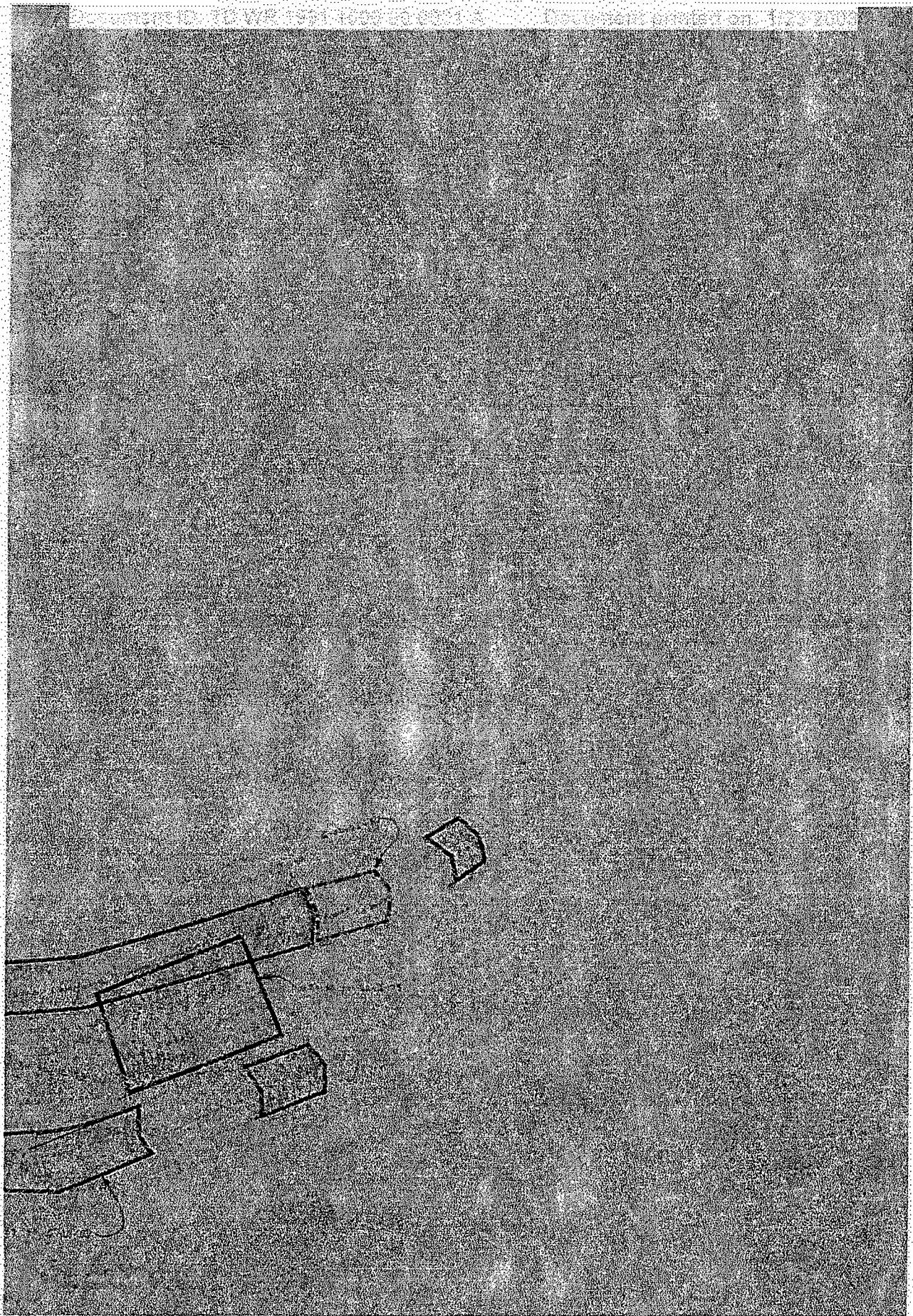
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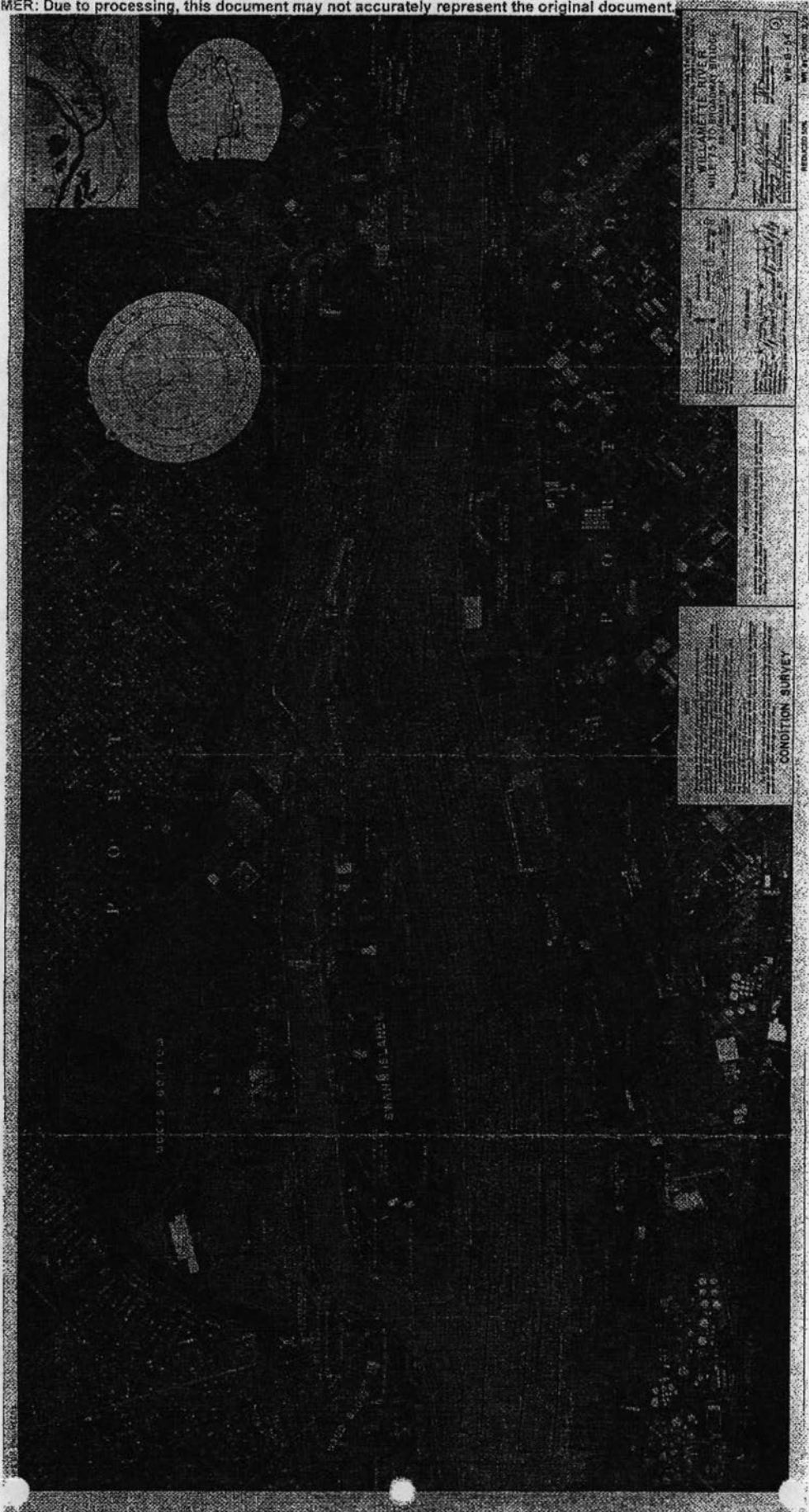
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WILLAMETTE RIVER  
WILLY'S TO BRIDGEMAN BRIDGE

CONDITION SURVEY

NO. 100-100-100

DEED

BOOK 1407 PAGE 313

KNOW ALL MEN BY THESE PRESENTS, that this Deed is given and executed by Louis Dulien, as liquidating trustee of the Surplus Properties Corporation, a dissolved Washington corporation. The said corporation was legally and regularly dissolved by voluntary dissolution out of court pursuant to the Statutes of the State of Washington. That the grantor herein, Louis Dulien was duly and regularly nominated, designated and appointed as such liquidating trustee at a combined special meeting of the shareholders and directors of the said Surplus Properties Corporation in all respects duly and regularly called and held. That said meeting was attended by all of the directors and by the owners and holders of all of the outstanding and issued voting stock of the said corporation. That all of the creditors of the said Surplus Properties Corporation have been paid in full except for the United States of America, the mortgagee holding a mortgage on a portion of the real property hereby conveyed. That the grantees hereinafter named, Louis Dulien and Ann Dulien, are the owners and holders of all outstanding and issued shares of the capital stock of the said Surplus Properties Corporation. That in consideration of the conveyance hereby made to them, the said grantees, Louis Dulien and Ann Dulien, assume and agree to pay a mortgage in the sum of Seventy-two Thousand Dollars (\$72,000.00) and interest thereon, made as of the 10th day of March, 1950, and recorded with the County Clerk of Multnomah County, Oregon, on the 23rd day of May, 1950, and the parties to which are Surplus Properties Corporation, mortgagor, and the United State of America, mortgagee.

In consideration of the sum of One Dollar (\$1.00) and other lawful consideration to him in hand paid by Louis Dulien

60302

BOOK 1407 PAGE 314

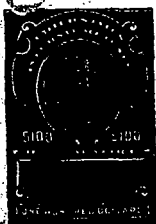
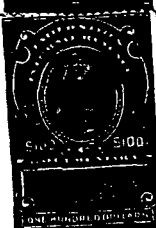
BOOK 1407 PAGE 315

and Ann Dulien, the grantees, and in consideration further of the assumption by said grantees of the aforementioned mortgage held by the United States of America, the said Louis Dulien as liquidating trustee of the Surplus Properties Corporation, a dissolved Washington corporation, pursuant to the authority vested in him as aforesaid and conferred upon him by the laws of the State of Washington, has bargained and sold, and by these presents does grant, bargain, sell and convey, unto said grantees, their heirs and assigns, all the following bounded and described real property, situated in the County of Multnomah and State of Oregon, to-wit:

- a. All of that certain parcel of land described in that certain deed from the Port of Portland, a municipal corporation, to the United States of America, dated December 2, 1943, recorded December 11, 1943, in book 800, at page 234 of the Deed Records of Multnomah County, Oregon, lying South of a line described as follows:

Beginning at a point on the harbor line of the Willamette River, which is the true point of beginning of that certain parcel of land conveyed by the above mentioned deed; thence N. 25° 17' 40" W. a distance of 592.35 feet to a point which point is the southwesterly corner of that certain parcel of land described in that certain deed from Oregon Shipbuilding Corporation to Northwest Terminal Co. dated December 2, 1943, recorded December 11, 1943, in book 800 at page 240 of the Deed Records of Multnomah County, Oregon; which point is the true point of beginning of the above referred to line; thence S. 89° 52' 15" E. to a point, which point is on the easterly boundary of that certain parcel of land described in that certain deed from The Port of Portland, a municipal corporation, to the United States of America, dated December 2, 1943, recorded December 11, 1943 in book 800 at page 234 of the Deed Records of Multnomah County, Oregon, subject to the following:

1. Easement for road purposes and for railroad tracks over and across the above premises created by instrument dated December 2, 1943 and recorded December 11, 1943, in PsDeed Book 800 at page 225, made by The Port of Portland, a municipal corporation to Northwest Terminal Co., a corporation of Oregon.
2. Easement and right of way 50 feet in width for the erection, construction, maintenance and operation of a transmission line granted to Portland General Electric Company, a corporation of Oregon, by deed dated September 19, 1939 and recorded September 26, 1939 in PsDeed Book 515, page 385.





BOOK 1407 PAGE 315

3. Rights of Governmental bodies in and to that portion of the above premises lying below the low water mark of the Willamette River.

- b. Beginning at a point on the harbor line of the Willamette River which is the true point of beginning of the parcel of land to be herein conveyed which point is also the southwesterly corner of that certain parcel of land described in deed from The Port of Portland, a municipal corporation, to the United States of America, dated December 2, 1943, recorded December 11, 1943, in book 800 at page 234 of the Deed Records of Multnomah County, Oregon; thence in a direction at right angles to said harbor line, a distance of 877.40 feet to a point; thence S 26° 17' 40" E a distance of 435.87 feet to a point; thence N 89° 52' 15" W to the true point of beginning.

Beginning at a point 910.672 feet northwesterly, measured along the harbor line of the Willamette River, from the Southwesterly corner of that certain parcel of land referred to as Tract A in that certain deed from The William Gatton Estate Company, an Oregon Corporation, and George G. Gatton, a bachelor, to Northwest Oil Company, an Oregon Corporation, dated April 30, 1938, and recorded May 25, 1938, in book 450 on page 56 of the Deed Records of Multnomah County, Oregon, (which said southwesterly point is a point on said Harbor Line) thence easterly and parallel to the southerly line of said Tract A in said deed dated April 30, 1938, a distance of 979.698 feet; thence northwesterly and parallel to said Harbor Line a distance of 389.32 feet; thence N. 89° 52' 15" W to said Harbor Line; thence southeasterly along said Harbor Line to the point of beginning; both of parcels "b" and "c" as described above being subject to the following:

1. Right of way for railroad track over and across the above premises reserved by Deed from the William Gatton Estate Company a corporation of Oregon, and George G. Gatton, a bachelor, to Oregon Shipbuilding Corporation, a corporation of Delaware, dated February 7, 1941, recorded February 11, 1941 in PsDeed Book 588, page 508.
2. Restrictions as to the use thereof contained in deed made by The William Gatton Estate Company, a corporation of Oregon, and George G. Gatton, to Northwest Oil Company, an Oregon corporation, dated April 30, 1938, recorded May 25, 1938, in PsDeed Book 450, page 56.
3. Conditions and restrictions as to the storage, sale, etc. of gasoline or petroleum products as contained in Deed to Northwest Terminal Co. recorded February 11, 1941 in PsDeed Book 588, page 500.
4. Easement and right of way 50 feet in width for the erection, construction, maintenance and operation of a transmission line granted to Portland General Electric Company, a corporation of Oregon by deed dated September 19, 1939, and recorded September 26, 1939, in PsDeed Book 515, page 385.

BOOK 1407 PAGE 316

1407 317

5. Easement and right of ingress and egress to and from, for erection, construction, maintenance and operation of electrical transmission lines, telephone, etc. created by instrument dated October 18, 1938, recorded October 28, 1938 in PsDeed Book 470, page 469, made by William Gatton Estate Company, an Oregon corporation, and George G. Gatton, bachelor, to Portland General Electric Company, a corporation, of Oregon.
6. Rights of Governmental bodies in and to that portion of the above premises lying below the low water mark of the Willamette River.
- d. All that certain parcel of land described as follows:  
Beginning at a point on the Northerly line of that certain parcel of land in Section 35, Township 2 North of Range 1 West of Willamette Meridian described in (a) in that certain deed from The William Gatton Estate Company and George G. Gatton to Oregon Shipbuilding Corporation dated February 7, 1941, recorded February 11, 1941 in Book 588, page 508 of the Deed Records of Multnomah County, which point of beginning is 2650.93 feet Easterly along said Northerly line from the intersection of said Northerly line with the harbor line of the Willamette River; thence South 89° 52' 15" East along said Northerly line as extended a distance of 1750 feet to a point on the Northwesterly boundary of that certain tract described in that certain deed from The William Gatton Estate Company and George G. Gatton to Electro-Metallurgical Company dated March 28, 1941, recorded April 8, 1941 in Book 599, page 327 of Deed Records of said County; thence North 34° 19' East 375.42 feet along the Northwesterly boundary of said tract deeded to Electro-Metallurgical Company; thence North 60° 31' 30" East 248.08 feet to the Westerly line of the Bonneville Substation site; thence North 0° 2' 30" West 536.03 feet along the Westerly line of said Bonneville Substation site to the Southerly line of the strip of land 150 feet wide occupied by Bonneville Power Administration; thence North 80° 35' 45" West 2203.86 feet along the Southerly line of said Bonneville Power Administration property; thence South 0° 7' 45" East 1324.33 feet to the point of beginning;

EXCEPTING THEREFROM THE following:

- (1) All that portion of the above described tract of land lying east of a line described as follows:  
Beginning at a point, which point is the most easterly corner of that certain parcel of land described in that certain deed from Electro-Metallurgical Company to Oregon Shipbuilding Corporation, dated March 20, 1942, recorded March 23, 1942, in book 670 at page 432, Deed Records of Multnomah County, Oregon; thence N 28° 19' 30" W 447.24 feet to a point; thence N 34° 19' East 375.42 feet to a point; thence N 60° 31' 30" E 246.91 feet to a point; thence N 0° 02' 30" W 536.03 feet to a point; thence N 80° 35' 45" W 1326.65 feet to a point which point is the true place of beginning of that certain line referred to herein above; thence S 0° 07' 47" W to a point which point lies on the most southerly boundary of that certain parcel of



BOOK 1407 PAGE 317

land hereinabove described; also excepting

(2) Beginning at a point on the harbor line of the Willamette River which point is the true point of beginning of that certain parcel of land described in that certain deed from the Port of Portland, a municipal corporation, to the United States of America, dated December 2, 1943, recorded December 11, 1943, in book 800, at page 234, of the Deed Records of Multnomah County, Oregon; thence N 26° 17' 40" W 592.35 feet to a point, which point is the southwesterly corner of that certain parcel of land conveyed in that certain deed from Oregon Shipbuilding Corporation to the Northwest Terminal Company dated December 2, 1943 and recorded December 11, 1943, in Book 800 at page 240, Deed Records of Multnomah County, Oregon; thence S 89° 52' 15" E to a point, which point lies on the easterly boundary of that certain parcel of land conveyed by deed from The Port of Portland, a municipal corporation, to the United States of America, dated December 2, 1943, recorded December 11, 1943, in Book 800, at page 234 of the Deed Records of Multnomah County, Oregon, and is the true point of beginning of the parcel herein described; thence S 89° 52' 15" E to a point, which point is on the easterly edge of temporary road easement described in that certain deed from Oregon Shipbuilding Corporation to Northwest Terminal Company dated December 2, 1943, recorded December 11, 1943, in Book 800 at page 240, Deed Records of Multnomah County, Oregon; thence N 0° 7' 45" E to a point on a line which line is an easterly extension of the northerly boundary of that certain parcel of land conveyed by the Port of Portland, a municipal corporation, to the United States of America by deed dated December 2, 1943, recorded December 11, 1943, in Book 800 at page 234 in the Deed Records of Multnomah County, Oregon; thence N 80° 35' 45" W along the aforementioned extension of the northerly boundary of that certain parcel of land conveyed by the Port of Portland, a municipal corporation to the United States of America, by deed dated December 2, 1943, recorded December 11, 1943, in book 800 at page 234, Deed Records of Multnomah County, Oregon, to a point which point is at the junction of the extension of the northerly boundary and the line forming the easterly boundary of that certain parcel of land conveyed by the Port of Portland to the United States of America by Deed dated December 2, 1943, recorded December 11, 1943, in Book 800 at page 234 Deed Records of Multnomah County, Oregon; thence S 0° 7' 45" E to the true point of beginning; also excepting

(3) All that portion which lies within the parcel herein described of that certain right of way 50 feet wide conveyed by the William Gatton Estate Company and George G. Gatton to Portland General Electric Company by deed dated February 7, 1941 and recorded February 11, 1941 in book 588, page 515 of Deed Records of said County; and also excepting

(4) That certain tract described as follows:  
Beginning at a point on the Westerly boundary of that certain tract conveyed by The William Gatton Estate Company, and George G. Gatton to Oregon Shipbuilding Corporation by deed

BOOK 1407 PAGE 318

dated April 5, 1943, and recorded April 16, 1943, in book 743, page 15 of Deeds of said County, which point is 35 feet Southerly when measured at right angles from the Southerly line of that certain easement or right of way conveyed by The William Gatton Estate Company to Portland General Electric Company by deed dated February 7, 1941, recorded February 11, 1941 in book 588, page 515 Deed Records of said County; thence South 80° 35' 45" East parallel to the Southerly line of said easement so conveyed to Portland General Electric Company, a distance of 1324.25 feet; thence at right angles Northerly a distance of 35 feet to the intersection with the Southerly line of said easement; thence North 80° 35' 45" West along said Southerly line of said easement to its intersection with the Northerly extension of the Westerly boundary of said tract conveyed by said deed dated April 5, 1943; thence South 0° 07' 45" West along said Westerly boundary to the place of beginning;

Tract "d" as described hereinabove being subject to the following:

1. Right of way for railroad track to connect with the railroad track on the property South of and adjoining the above premises reserved in deed from The William Gatton Estate Company, a corporation, and George G. Gatton, a bachelor, to Oregon Shipbuilding Corporation, a corporation of Delaware, dated April 5, 1943 and recorded April 16, 1943 in PsDeed Book 743, page 15.
  2. Conditions and restrictions as to the storage, sale, etc. of gasoline or petroleum products as contained in deed to Northwest Oil Co., an Oregon corporation, dated April 30, 1938, and recorded May 25, 1938 in PsDeed Book 450, page 56.
  3. Conditions and restrictions as to the storage, sale, etc. of gasoline or petroleum products as contained in deed to Northwest Terminal Co. dated February 8, 1941 and recorded February 11, 1941 in PsDeed Book 588, page 500.
- e. All of that certain parcel of land described in that certain deed from the City of Portland, to the United States of America, dated October 28, 1949, recorded November 1, 1949, in book 1368 at page 45, Deed Records of Multnomah County, Oregon, EXCEPT that portion thereof lying within the boundaries of the following described tract:

Beginning at a point which point is the most Easterly corner of that certain parcel of land described in that certain deed from Electro Metallurgical Company to Oregon Shipbuilding Corporation, dated March 20, 1942, recorded March 23, 1942, in book 670 at page 432, Deed Records of Multnomah County, Oregon; thence N 28° 19' 30" W 447.24 feet to a point; thence N 34° 19' E 481.11 feet to a point; thence N 60° 31' 30" E 246.91 feet to a point; thence N 0° 02' 30" W 536.03 feet to a point; thence N 80° 35' 45" W 1326.65 feet to a point; thence S 0° 07' 47" W 2237.74 feet to a point; thence S 22° 53' 15" W 12.15 feet to a point; thence S 26° 00' 22" E 194.48 feet to a point; thence N 62° 09' E 149.71 feet to a point; thence S 89° 50' E 718.30 feet to a point which point lies on the centerline of Burgard

1407-320

1407-319

Roads, then along centerline of said road N 22° 10' W 171.75 feet to a point; thence northeasterly along said centerline on a curve to the right having a radius of 175 feet and a chord of 660.69 feet to a point; thence N 31° 08' 30" W 30.2 feet to the point of beginning.

Subject, however, to an easement for right of way for a railroad track across said property for the common use of the Grantee herein, the Northwest Terminal Company, an Oregon corporation, and the State of Oregon, acting by and through its State Board of Higher Education, and the successors and assigns of all of said parties; said easement being intended to connect with similar easements previously granted to the Northwest Terminal Company as described in that certain deed dated February 8, 1941, wherein Oregon Shipbuilding Corporation was Grantor and Northwest Terminal Co. was Grantee, which deed was recorded February 11, 1941, in Book 588, page 500, Deed Records of Multnomah County, Oregon, and also as described in that certain deed dated December 2, 1943, wherein the Port of Portland was Grantor and Northwest Terminal Co. was Grantee, which deed was recorded December 11, 1943, in Book 800, page 225, Deed Records of said County. Said right of way or easement shall be located at a place or location that will not work any unnecessary inconvenience to the Grantee herein or to said Grantee's successors or assigns; and also subject to the following:

1. Easements and rights of way granted to Portland General Electric Company by the following: Easement dated March 27, 1941, recorded April 18, 1941 in Deed Book 601, page 294; Easement dated June 12, 1941 and recorded September 17, 1941 in Deed Book 637, page 539.
2. Rights of the public in and to any portion thereof lying within dedicated streets and highways.
3. Rights of Governmental bodies in and to that portion of the above premises lying below the low water mark of the Willamette River.

Together with all buildings and improvements of whatsoever nature located upon the above-described real property acquired and owned by the Surplus Properties Corporation, including, but not limited to, the following:

<u>Building Number</u>	<u>Description</u>
41	Assembly Building
61	Plate Shop
77	Assembly Warehouse
75	Oil House and Storage Platform
86	Salvage Building
22	Paint Storage Building
51	Electric Cable Storage Platform
12	Boiler Erection Building
13	Pipe Brick Storage Building

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EXCEPTING, HOWEVER, all railroad tracks and all well-settled materials of whatsoever nature (exclusive of loose gravel and trackways) located in or upon the above-described real property, title to which

And the said Louis Dulien as such liquidating trustee does hereby grant, bargain, sell and convey to the said Louis Dulien and Ann Dulien the following personal property located on and upon tract "a" as described above:

Declaration No.	Description
3427045	Overhead Traveling Crane (6-1)
3427976	" " (1-1)
4120150	Overhead Crane (2-1)
4120150	" " (7-1)
4120177	" " (2-8)
4120177	" " (2-3)
4120633	Traveling Crane (3-1)
4120633	" " (7-1)
4121236	Traveling Crane (3-1)
4121236	" " (3-2)
4121236	" " (4-1)
4121236	Overhead Electric Crane - 10-ton (6-1)
4121236	Traveling Crane (7-1)
4121236	Overhead Electric Crane - 10-ton (6-1)
4121238	Overhead Electric Crane - 35-ton (1-1)
4121238	" " (5-ton) (2-1)
4121239	Traveling Crane (1-1)
4121240	Overhead Electric Crane - 5-ton (1-1)
4121239	" " (5-ton) (2-1)
4121240	" " (10-ton) (2-3)
4121705	Traveling Crane (1-1)
4121705	" " (1-1)

Together with:

One paint processing system with overhead monorail conveyors, electrified, consisting of approximately:  
 7 Tanks and Ovens, Oakite Dip, Acid Dip, Hot Spray Rinses, Hot Blast Driers, Paint Dip; Continuous Monorail System, 160' long; 6 Conveyors, motor driven with trolley feed; 5 Drop Section Stations; 15 Sets of Controls; Supporting Structure; 2 Steam Boilers; Hot Water Tanks & Pumps; 10 Steam Generators and Oil Burner.

And the said Louis Dulien as such liquidating trustee does hereby grant, bargain, sell and convey to the said Louis Dulien and Ann Dulien all buildings, improvements and personal property of D.L. whatsoever nature located upon the below-described real property, siting northerly and westerly and parallel with the northerly

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situated in Multnomah County, Oregon, (said real property being likewise a portion of the facility formerly known as the Oregon Shipbuilding Corporation Shipyards, Portland, Oregon, the title to which is not in the Grantor herein):

- A. Beginning at a point on the Harbor Line of the Willamette River in Section 35, Township 2 North, Range 1 West, Willamette Meridian, which is the Southwesterly corner of that certain parcel of land referred to as Tract A in that certain deed from The William Gatton Estate Company, an Oregon corporation, and George G. Gatton, a bachelor, to Northwest Oil Co., an Oregon corporation, dated April 30, 1938, and recorded May 25, 1938, in Book 450 on page 56, of the Deed Records of Multnomah County, Oregon; thence Easterly along and in the direction of the Southerly line of said Tract A a distance of 3150 feet; thence Northwesterly and parallel to said Harbor Line a distance of 1300 feet; thence Westerly parallel to said Southerly line of said Tract A to the Harbor Line of the Willamette River; thence Southeasterly along said Harbor Line to the point of beginning;

Also

- B. Beginning at a point in the southerly line of the William Gatton Donation Land Claim in Section 35, Township 2 North; Range 1 West of the Willamette Meridian, and North 60 degrees east 173.21 feet distant from the southwest corner of the said William Gatton Donation Land Claim, and running thence north 60 degrees east along the southerly line of the said William Gatton Donation Land Claim, 537.72 feet to a point; thence west parallel to the northerly boundary of the City of Portland, 1600.81 feet to a point in the harbor line in the Willamette River; thence south 26 degrees 17 minutes 40-1/2 seconds east along the said harbor line, 300 feet to a point; thence east parallel to the northerly boundary line of the City of Portland, 1004.52 feet to the place of beginning;

Also

Commencing at the point of intersection of the extension or projection of the south boundary line of the William Gatton D.L.C. with the south boundary line of Section 35, Township 2 North of Range 1 West of the Willamette Meridian, which south boundary line of Section 35 forms the north boundary line of the City of Portland, which point of intersection is located on the northerly boundary line of that certain tract of land owned by the City of Portland and used by it as and for Portland Municipal Terminal No. 4, and is 185.27 feet distant south 60 degrees west from the southwest corner of the William Gatton D.L.C.; running thence north 60 degrees east along the northerly boundary of said Terminal No. 4 a distance of 358.48 feet; thence running westerly and parallel with the northerly

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boundary of the City of Portland, 1004.52 feet to a point in the harbor line of the east side of the Willamette River; thence southeasterly following said harbor line to its intersection with the northerly boundary line of the City of Portland; thence easterly along the northerly boundary line of the City of Portland, 606.99 feet to the place of beginning;

Also

- C. A parcel of land lying, and being within Section 35, Township 2 North, Range 1 West, Willamette Meridian, and more particularly described as follows:  
Beginning at a point which is the southeasterly corner of that certain tract of land described in (a) that certain deed from William Gatton Estate Company, an Oregon corporation, and George G. Gatton, a bachelor, to Oregon Shipbuilding Corporation, a Delaware corporation, dated February 7, 1941, and recorded February 11, 1941, on page 508 of Book 588 of the Deed Records of Multnomah County, Oregon; which point is 3,150 feet, measured along the southerly line of said parcel described in (a), from the harbor line, as established by the United States Engineers, on the east side of the Willamette River; running thence northeasterly and parallel to said harbor line a distance of 1,300 feet; thence easterly and parallel to the southerly line of the said parcel described in (a) of said deed until said line intersects the westerly line of that certain parcel described in that certain deed from The William Gatton Estate Company, an Oregon corporation, and George G. Gatton, a bachelor, to Electro Metallurgical Company, a West Virginia corporation, dated March 28, 1941, and recorded on April 8, 1941, on page 327 of Book 599 of the Deed Records of Multnomah County, Oregon; thence southwesterly, southerly and southeasterly along the three courses forming the westerly boundary of said tract described in said deed to Electro Metallurgical Company to a point of intersection with the northwesterly right of way line of the County Road, known as Burgard Road; thence southwesterly following said northwesterly boundary line of said County Road to a point of intersection with the southerly line of the William Gatton D.L.C.; thence westerly along the southerly line of said William Gatton D.L.C., circumventing that portion of the County Road lying within the parcel of land herein described, to the point of intersection with the projection of the southerly line of said parcel described in (a) of said deed to Oregon Shipbuilding Corporation; thence westerly to the point of beginning;

EXCEPT that portion of the above described tract "C" lying within the boundaries of the following:

Beginning at a point, which point is the most easterly corner of that certain parcel of land described in that certain deed from Electro Metallurgical Company to Oregon Shipbuilding Corporation, dated March 20, 1942,

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recorded March 23, 1942, in book 670 at page 432, Deed Records of Multnomah County, Oregon; thence N 28° 19' 30" W 447.24 feet to a point; thence N 34° 15' E 481.11 feet to a point; thence N 60° 31' 30" E 246.91 feet to a point; thence N 00° 02' 30" W 526.03 feet to a point; thence N 80° 35' 45" W 1326.65 feet to a point; thence S 00° 07' 47" W 2237.74 feet to a point; thence S 22° 53' 15" W 121.15 feet to a point; thence S 26° 00' 22" E 194.48 feet to a point; thence N 62° 09' E 149.71 feet to a point; thence S 89° 50' E 718.30 feet to a point which lies on the centerline of Burgard Road; thence along centerline of said road N 22° 40' W 171.75 feet to a point; thence northeasterly along said centerline on a curve to the right having a radius of 477.5 feet and a chord of 660.69 feet to a point; thence N 31° 08' 30" W 30.2 feet to the point of beginning;

which was acquired and owned by the Surplus Properties Corporation, including, but not limited to, the following:

<u>Building Number</u>	<u>Description</u>
55	Mold Loft
54	First Aid
15	Ordnance Bldg.
44	Guard House
40	General Utility Bldg.
36	Joiner Bldg.
37	Sheet Metal Shop
38	Rigging Loft
39	Deck Covering Bldg.
21	Warehouse
52	Engine Inspection Bldg.
66	Carpenter Shop

EXCEPTING, HOWEVER, all railroad tracks and all railroad track materials of whatsoever nature (exclusive of Crane tracks and trackways) located in or upon the above-described real property.

The parcels of land identified herein as tracts "A", "B" and "C", subject to a mortgage in favor of the United State of America hereinabove specifically referred to, and the grantees assume and agree to comply with each of the terms and conditions set forth said mortgage.

This Deed is given subject to the rights and reservation of the United States of America to all uranium, thorium and other materials determined pursuant to Section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761).

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The grantor, ~~do~~ hereby also grant, bargain, sell and convey to the grantees the following described parcels of real estate situated in the County of Multnomah, State of Oregon, heretofore acquired by the Surplus Properties Corporation from the Oregon Shipbuilding Corporation, to-wit:

A. That certain parcel herein referred to as Tract G, conveyed by Terminal Flour Mills Co. to Oregon Shipbuilding Corporation by deed dated March 26, 1941, recorded March 26, 1941, in Book 596 at page 269 of the Deed Records of Multnomah County, Oregon, being described in said deed dated March 26, 1941, as follows:

Beginning at a point in the southerly line of the William Gatton Donation Land Claim, in Section 35, Township 2, North, Range 1 West of the Willametter Meridian, and North 60 degrees East 173.21 feet distant from the southwest corner of the said William Gatton Donation Land Claim, and running thence North 60 degrees east along the southerly line of the said William Gatton Donation Land Claim 537.72 feet to a point; thence West parallel to the northerly boundary of the City of Portland, 1600.81 feet to a point in the harbor line in the Willamette River; thence south 26 degrees 17 minutes 40 seconds East along the said harbor line 300 feet to a point; thence East parallel to the northerly boundary line of the City of Portland, 1004.52 feet to the place of beginning.

Commencing at the point of intersection of the extension or projection of the south boundary line of the William Gatton D.L.C. with the south boundary line of Section 35, Township 2 North of Range 1 West of the Willamette Meridian, which south boundary line of Section 35 forms the north boundary line of the City of Portland, which point of intersection is located on the northerly boundary line of that certain tract of land owned by the City of Portland and used by it as and for Portland Municipal Terminal No. 4, and is 185.27 feet distant south 60 degrees West from the southwest corner of the William Gatton D.L.C.; running thence North 60 degrees East along the northerly boundary of said Terminal No. 4 a distance of 358.48 feet; thence running westerly and parallel with the northerly boundary of the City of Portland, 1004.52 feet to a point in the harbor line of the east side of the Willamette River; thence southeasterly following said harbor line to its intersection with the northerly boundary line of the City of Portland; thence easterly along the northerly boundary line of the City of Portland, 606.99 feet to place of beginning.

B. That certain parcel referred to herein as Tract C, conveyed by Northwest Terminal Co. and Northwest Oil Co. to Oregon Shipbuilding Corporation by deed dated February 11, 1941, recorded February 11, 1941, in Book 588 at page



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493, of the Deed Records of Multnomah County, Oregon,

C. The portions of (1) that certain parcel referred to hereinafter as Tract B, conveyed by The William Gatton Estate Company and George G. Gatton to Oregon Shipbuilding Corporation by deed dated February 7, 1941, recorded February 11, 1941, in Book 588 at page 508, of Deed Records of Multnomah County, Oregon, and described in paragraph (a) of said deed dated February 7, 1941, excluding the portions of said Tract B heretofore conveyed by Oregon Shipbuilding Corporation to the United States of America, and (2) that certain parcel referred to hereinafter as Tract I, conveyed by The William Gatton Estate Company and George G. Gatton to Oregon Shipbuilding Corporation by deed dated December 9, 1941, recorded December 10, 1941, in Book 653 at page 193 of the Deed Records of Multnomah County, Oregon, which lie outside of the boundaries of that certain tract described as follows:

Beginning at a point, which point is the most easterly corner of that certain parcel of land described in that certain deed from Electro-Metallurgical Company to Oregon Shipbuilding Corporation, dated March 20, 1942, recorded March 23, 1942, in Book 670 at page 432, Deed Records of Multnomah County, Oregon; thence N 28° 19' 30" W 447.24 feet to a point; thence N 34° 19' E 481.11 feet to a point; thence N 60° 31' 30" E. 246.91 feet to a point; thence N 0° 02' 30" W 536.03 feet to a point; thence N 80° 35' 45" W 1326.65 feet to a point; thence S 0° 07' 47" W 2237.74 feet to a point; thence S 22° 53' 15" W 121.15 feet to a point; thence S 26° 00' 22" E 194.48 feet to a point; thence N 62° 09' E 149.71 feet to a point; thence S 89° 50' E 718.30 feet to a point which lies on the centerline of Burgard Road; thence along centerline of said road N 22° 40' W 171.75 feet to a point; thence northeasterly along said centerline on a curve to the right having a radius of 477.5 feet and a chord of 660.69 feet to a point; thence N 31° 08' 30" W 30.2 feet to the point of beginning.

Together with and subject to all easements of record affecting said property [and EXCEPTING therefrom all railroad tracks and all railroad track material of whatsoever nature (other than crane tracks and trackways) located in or upon the real property hereby conveyed, whether or not said railroad track material is affixed to the realty and is a part of the realty.]

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining

and also all estate, right, title and interest, in and to the same.

TO HAVE AND TO HOLD, the above described and granted premises unto the said Louis Dulien and Ann Dulien, their heirs and assigns forever as fully and completely as the said Louis Dulien, as liquidating trustee of the Surplus Properties Corporation, a dissolved corporation, might or could convey the same.

IN WITNESS WHEREOF, the grantor above named hereunto set his hand and seal this 26 day of May, A. D. 1950.

Louis Dulien  
Liquidating Trustee of Surplus  
Properties Corporation, a dissolved  
Corporation.

STATE OF WASHINGTON )  
County of King ) ss.

BE IT REMEMBERED, That on this 26 day of May, 1950, before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named Louis Dulien, as liquidating trustee of the Surplus Properties Corporation, a dissolved corporation, who is known to me to be the identical person described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Morris A. Robbins  
Notary Public in and for the said County and State.

My commission expires April 23, 1951.

(SEAL) DOCUMENT 23365 RECORDED MAY 29 1950 4:10 P M - AL L. BROWN, County Cl

COPY

National Archives-Pacific Alaska Region

6125 Sand Point Way NE

Seattle, WA 98115

Record Group No. 121

Additional Information Box 76

Folder: OS, Portland, OR

11-01-12

APPRAISAL

FORMER OREGON SHIPBUILDING CORPORATION  
RESIDUAL 27 ACRES, MORE OR LESS  
MULTNOMAH COUNTY, OREGON

Authorized by C. E. Ocamb, Chief  
Real Property Disposal Division  
Public Buildings Service

April 23, 1956

J. C. McQUIGG, M. A. I.

SCHN00319705

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April 23, 1956

C. E. Ocamb, Real Property  
Disposal Officer  
General Services Administration  
Seattle, Washington

Dear Sir:

Pursuant to your request I have made a careful inspection of the property known as Former Oregon Shipbuilding Corporation, Residual 27 Acres, More or Less, Multnomah County, Oregon, legally described under Legal Description elsewhere in this report, and as delineated on a map made a part hereof and identified as Exhibit A.

A complete personal inspection was made of the property for the purpose of arriving at an opinion of the current fair cash market value thereof, as of April 23, 1956.

On the basis of the investigation and inspection and by virtue of my experience, I have formed the opinion that the fair cash market value of the property described, Parcel #1, Parcel #2 and the water line easement connecting the two parcels, as a unit, is

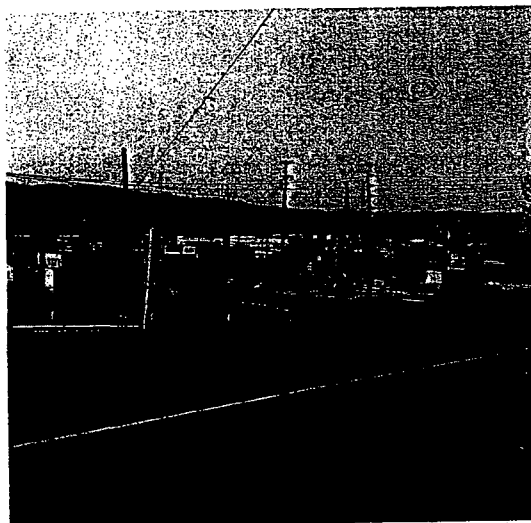
Twenty Seven Thousand Five Hundred Dollars (\$27,500.00)

Of this amount there is allocated to Parcel #1, Twenty Five Thousand Dollars (\$25,000.00), and to Parcel #2, the improvements thereon and the water line easement, Two Thousand Five Hundred Dollars (\$2,500.00).

Respectfully submitted,

  
J. C. McQuigg, M.A. I.

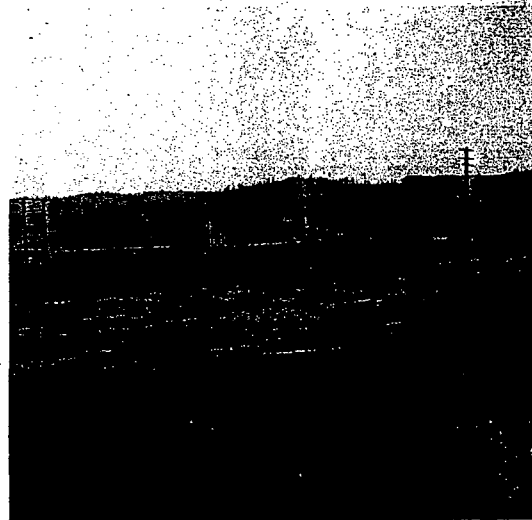
JCMcQ:rj



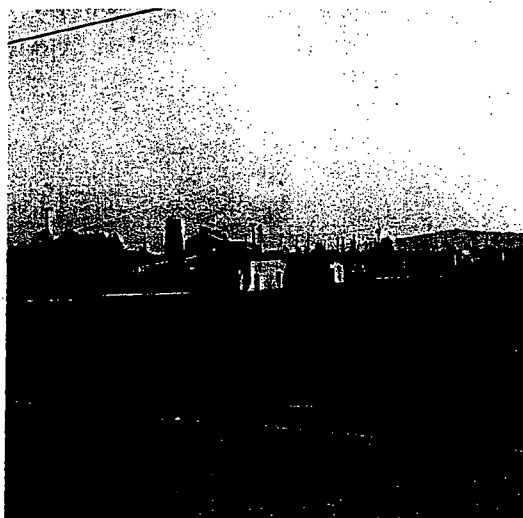
General view of Shipyard  
Property - Looking North-  
westerly from intersection  
of North Burgard and  
North Sever Roads.



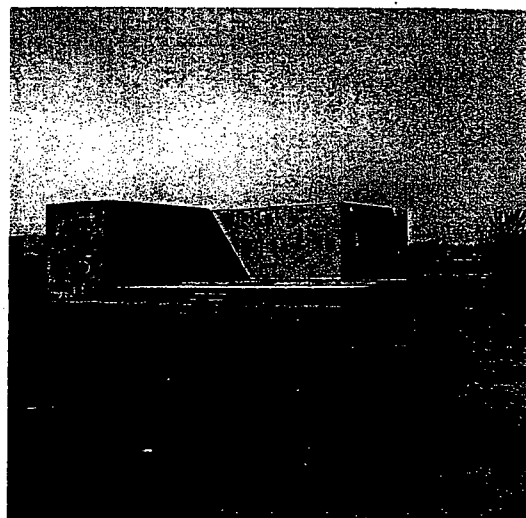
Looking Southeasterly over  
Parcel #2 North Sever Road  
left Pump House in center -  
Electro Metallurgical Co.  
in background.



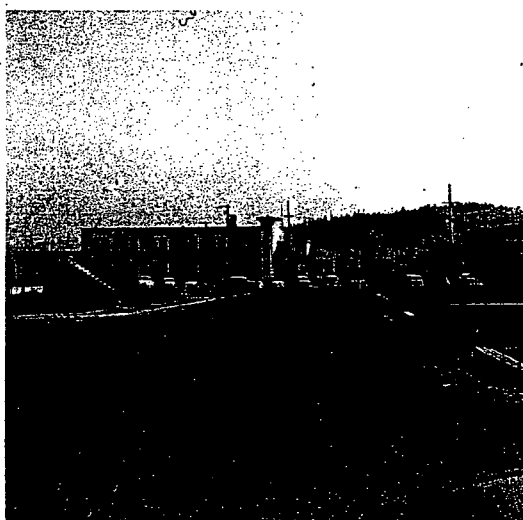
Looking Southwesterly across  
subject Parcel 1 from North  
East Corner.



Looking Southeasterly over  
subject Parcel #1 from  
Northwest corner - Ship-  
yard water tank and  
Electro Metallurgical Co.  
left background.



Concrete structure -  
surrounding Heating Plant  
of Personnel Housing  
Buildings - 9 of these  
on Parcel 1.



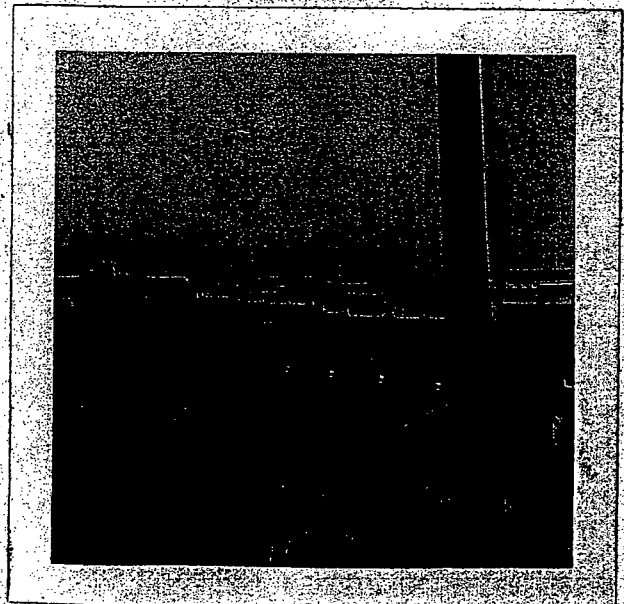
Office Building under Purchase  
Contract from State of Oregon  
by Beall Pipe and Tank Corpora-  
tion.





Looking North over subject  
Parcel #1 across easement  
on left.

Looking Northeastly from  
U.S. Highway 30 - over  
land - Purchased by Spokane,  
Portland and Seattle  
Railway Co. - Comparison -  
Sale #2 - Land lies between  
oil tanks - right and  
lumber building left.



Looking southerly across  
land purchased by -  
Kingsley Lumber Co.  
Sale #1.



Looking southerly across  
land in listing #1 -  
Owner Northwest Door Co.

### LIMITING CONDITIONS

This appraisal is subject to the following limiting conditions:

The legal descriptions furnished the appraiser are assumed to be correct. For the purpose of evaluation and in the absence of legal opinions or advice, certain assumptions concerning access, utilities and easements have been made.

However, no responsibility is assumed for matters legal in character nor is any opinion rendered with respect to title.

The subject property consists of two parcels of land, the area of which are not based upon actual engineer's survey. Areas are therefore approximate and not guaranteed to be correct.

The information contained in this report and identified as being furnished by others is believed to be reliable but no responsibility for its accuracy is assumed.

J. C. McQuigg has no present or contemplated interest in the property appraised. His employment to make this appraisal is in no manner contingent upon the value reported therein.

Values allocated to fractional component parts of any particular parcel are for the purpose of computation and analysis only. No fractional value shall be segregated from the parcel as a whole to form the basis of value separate and apart from the remainder.

LEGAL DESCRIPTION  
OF SUBJECT PROPERTY

The following described property situated in the county of Multnomah, State of Oregon to wit:

Parcel 1

Beginning at the most easterly corner of a parcel of land deeded to Oregon Shipbuilding Corporation by Electro Metallurgical Company March 20, 1942 (recorded March 23, 1942 in Book 670, at page 432, Deed Records of Multnomah County, Oregon); said point being N 31° 05' 30" W, 30.2 feet from North Burgard monument PT 22-53.86; thence N 28° 19' 30" W, 447.24 feet to an iron spike in pavement; thence N 34° 19' E 21.00 feet to the true point of beginning of this parcel herein-after referred to as Parcel 1; thence continuing N 34° 19' E, 460.11 feet to an iron pipe; thence N 60° 31' 30" E, 119.18 feet to a point in the West Boundary of that parcel of land conveyed to Bonneville Administration by State of Oregon October 3, 1952 (recorded February 16, 1953 in Book 1584 at page 305, Deed Records of Multnomah County, Oregon); thence N 0° 26' 30" E, 616.39 feet to a point; thence N 80° 35' 45" W, 1219.55 feet to a point; thence S 0° 21' W, 1227.20 feet to a point, said point being marked by a spike in pavement; thence S 88° 19' E, 842.54 feet along the southerly boundary of 50 foot roadway described in Multnomah County Deed Book 800, page 245, Section A, Parc. 3, to the true point of beginning of Parcel 1.

Parcel 2

Beginning at a point on the center line of N. Burgard Street (County Road 1397-60), known as Highway Engineer's Station 13-52.53, bearing S 22° 40' E, 171.75 feet from Road Monument 15-24.28; thence N 89° 50' W, 141.70 feet to a point on the curved southerly boundary line of N. Sever County Road 1379-A, which is the true point

of beginning of this parcel, hereinafter, referred to as Parcel 2; thence continuing N.  $89^{\circ} 50'$  W, 329.54 feet to an iron spike, which is the S.E. corner of a parcel of land sold to Beall Pipe and Tank Corporation by the State of Oregon April 28, 1953 under contract of sale; thence N  $0^{\circ} 54\frac{1}{2}'$  W, 107.94 feet along the east boundary of the last mentioned parcel to a point; thence S  $89^{\circ} 47'$  E, 117.53 feet to the west end of the south boundary of N. Sever Road, said point being an iron spike in the pavement normal to Highway Engineer's Station 17-19.02; thence along the south boundary line of said road as follows; on a tangent to the right of the last described course on a radius of 318.1 feet, a central angle of  $27^{\circ} 2'$ , and an arc length of 150.14 feet, to a point normal to Highway Engineer's Station 15-50; thence radially S  $27^{\circ} 14\frac{1}{2}'$  W, 20 feet to a point, which is a nail driven into the pavement; thence left perpendicularly from the last described course, on a curve to the right, having a radius of 298.1 feet, a central angle of  $18^{\circ} 12\frac{1}{2}'$ , and an arc length of 94.73 feet, to the true point of beginning of Parcel 2.

AND ALSO, an appurtenant to the lands hereinabove described, the right, privilege and easement for a water pipeline, ten (10) feet in width, lying five (5) feet on either side of a center line running on, over and through the lands above described and also on, over and through that certain parcel of land lying between said parcels 1 and 2, whose northerly lateral is the southerly lateral of Parcel 1 and whose southerly lateral is the northerly lateral of Parcel 2 and the northerly side of N. Sever Road, said line of easement being described as follows to wit;

Beginning at a point N  $79^{\circ} 00'$  W, 44.0 feet from the southeast corner of parcel (2) described hereinabove, said beginning point of center line of easement being on the west edge of pump house situated on said parcel and being 1.5 feet northerly from the southwest corner of said pump house, thence N  $89^{\circ} 33'$  W, 48.66 feet; thence N  $60^{\circ} 46'$  E, 491.28 feet; thence N  $15^{\circ} 54'$  E, 224.34 feet; thence N  $8^{\circ} 28'$  E, 195.46 feet; thence N.  $84^{\circ} 38'$  E, 55.13 feet; thence N  $72^{\circ} 29'$  E,

69.80 feet; thence N 27° 43' W, 300 feet  
more or less to a point thirty-five (35)  
feet westerly from the southeast corner  
of Parcel 1 hereinabove described.

# GENERAL INFORMATION

Portland, Oregon, county seat of Multnomah County, is situated on both sides of the Willamette River, near its confluence with the Columbia River and 50 air miles from the Pacific Ocean in northwestern Oregon. It is one of the principal financial, marketing and distribution centers of the Pacific Coast area and its trading area includes Canada, Alaska, Pacific islands and the Orient.

It has modern deep water shipping facilities, is the western terminus of the Union Pacific Railroad and is also served by the Southern Pacific Company and the Spokane, Portland & Seattle Railway Company, which handles the Columbia River district traffic of the Great Northern and Northern Pacific Railroads. The Northern Pacific Terminal Company performs a consolidated freight car switching and distribution system for all rail shipments. The city is served by the principal air lines as well as numerous bus and auto freight lines. The population growth of the community is indicated by the following data:

## Population

1940	305,394	U. S. Census
1950	373,628	" " "
1955	402,000	Oregon State Board of Health

## Metropolitan area:

1940	501,275	U. S. Census
1950	704,829	" " "
1955 (est.)	788,000	Oregon State Board of Health

## Postal Receipts - Portland

1940	3,722,095
1950	8,677,990
1955	11,501,950

The metropolitan area has an abundance of water, is near Bonneville Dam and other large dams under construction on the Columbia River, which will provide an increasing supply of electrical energy, a considerable part of which will be available for expansion of manufacturing and industry.

Expansion of new manufacturing plants and existing plants, together with expansion of warehousing services and etc., entailed an outlay of 41 million dollars in 1955. This expansion made necessary the employment of 1,300 additional people. The present estimate by well informed persons is that the year 1956 will show a greater growth. Present and proposed industrial expansion is very diversified, much of it representing locally old and established concerns and a considerable part of it consists of new industries or branch representation of well established nationally known manufacturing or distribution companies.

#### Climatic Conditions

Average annual temperature - 50°; average high - 98°; average low - 13°. Average annual rainfall - 39 inches.

#### Real Estate Market:

Nearly all general water transportation cargoes are handled by city owned terminals, partially tax supported. This condition, plus improved trucking facilities and increased use of truck transportation, has lessened the demand for waterfront properties. Good, well developed industrial land is saleable at a price equal to that having waterfront facilities. Industry is decentralizing by going "out further" to the south and to the northeast along or near trackage offered by the three railways. Business or industrial property having a present or foreseeable utility is readily saleable.

Sales of industrial land and industrial expansion have been most pronounced in the Guild's Lake District, which is 1½ to 3 miles north of the city center on the west side of the river and southeasterly, in the general direction of Milwaukee, which is 4 miles south of the Portland city limits. Transfers along or near the river from a point 4 miles down river to and beyond subject property have been very few in the past 5 years. Useable industrial land south of the 4 mile point to the city center is all improved and tightly held. There are very few vacancies in any type of property. In keeping with the industrial growth and steadily increasing population, the demand for all types of property is good.



### Description of Subject Property

The subject property is a part of a much larger tract of land commonly known and referred to as Oregon Shipbuilding Corporation site. It is located approximately 10 miles north of the city center in the "St. Johns district," a well established community center lying east of the Willamette River and inside of the north city limits of Portland. The shipbuilding site adjoins the Portland city limits on the north. The site is accessible over city streets by a circuitous route through well populated areas. Access is not good because of the time element.

The property under consideration consists of two parcels of land, Parcels 1 and 2, located in the northeastern part of the shipbuilding site. Each, irregular in shape and non-contiguous, containing a total area of 27 acres, more or less, and as appurtenant thereto an easement 10' wide for a water line connecting the two parcels.

Parcel 1 is irregular in shape, its westerly line is a straight line 1227.20' in length; its north line, a straight line, is 1219.55'; the south line extends easterly at right angles for a distance of 842.54' from the west line, thence north and east by an indirect route to the east point of the north line (Exhibit 2).

The land is silt filled from river dredging, level, elevation 25 feet to 26 feet above sea level. It is therefore subject to flood and has been flooded to a depth of 3 to 4 feet. Official "flood stage" in Portland is 18 feet. A minimum elevation for safety is considered 30 to 31 feet above sea level.

As of this date, April 25, 1956, flood control experts forecast a peak flood crest later this spring of 24.5 feet to 27.5 feet. In 1948 flood crest was 29.90 feet at which time the district of Vanport was destroyed and flood damages were extensive throughout the lower Columbia River district, and in 1955 the flood crest was 22 feet, at which time considerable damage resulted. As of this date water level is 18.8 feet at Portland.

During the period of shipbuilding activities, 1940 to 1946, the subject parcel was well covered with housing for personnel and there remain the concrete foundations of the former buildings, as well as paved driveways and walks. Also, the concrete walls, approximately 8' high, which surrounded the heating plants of the frame housing

structures, remain standing. 9 in number. These constitute a burden to the land.

The property is encumbered by an easement 50 feet in width extending along and inside the north property line granted to the Portland General Electric Company for power line and right of way purposes. The right of way is not filled and is presently largely under water. An additional easement, 35 feet in width, parallels and adjoins the power line right of way extending from the west line of subject property easterly for a distance of 450 feet. This easement was granted for road purposes and is presently hard-surfaced.

The property is further encumbered by a permanent easement 50 feet in width extending northerly from the southeast corner bisecting the subject tract and connecting with the formerly described 35 foot easement. It is now improved with hard surfacing and provides access to improved properties lying to the west. The subject property is accessible from North Burgard Road over a 50 foot easement granted the United States of America for road purposes in common with other users and connecting with the two road rights of way formerly described. It is hard surfaced and provides adequate access.

#### Utilities

Electric current from the Portland General Electric Company is available at the site. Facilities of the P. T. & T. Co. are available and a bus line operated by the Portland Traction Company extends to within 5 blocks from subject.

#### Water Supply

During the period of shipbuilding activities the building site was provided with Portland city water for domestic purposes through a 12 inch main which was installed by the Corporation. This has long since been cut off and the meter removed. The city supply nearest subject consists of a 2 inch main which ends in North Burgard Road 2600 feet to the south.

The shipbuilding corporation used water for fire protection purposes and purposes other than domestic from 5 wells, all located in the southeast corner of the site, one of which is located in Parcel 2.

These wells range in depth of from 105 feet to 123 feet, all having 12 inch casing and each provides an abundance of water. Number two well, located on Parcel 2, is 118 feet deep. Water from all wells was piped to an elevated tank located approximately 400 feet southeast of subject Parcel 1 and thence by gravity and by a booster system distributed throughout the site. The subject site has no water supply other than from Parcel 2.

Present occupants of the shipyard sites purchase water from (b) (6), owner of land on which the remaining wells are located. The users have had the water tested on numerous occasions, have found it satisfactory and use it for all purposes.

#### Trackage

The Union Pacific Railway Company owns a track which ends near the intersection of North Burgard Road and North Sever Road. From that point the shipyard site was well supplied with trackage all of which was the property of the corporation and transferred to Surplus Properties Corporation and/or William Shanker.

One spur formerly led into the southwest corner of the 21.40 acre tract lying directly south of Parcel 1. This spur could be extended northerly to Parcel 1 of subject by consent of the owner of the land it crosses. However, it is in very poor condition and would have to be completely rehabilitated before the switching company would use it. The cost of providing trackage in any other manner would be prohibitive. (Source: Industrial Agent, U. P. Ry. Co.) Subject property, therefore, has no trackage.

#### Parcel 2

Is irregular in shape, its westerly line is 107.94 feet in length; its southerly line, a straight line, at right angles thereto, is 329.54 feet, and the northerly line is a concave curve ending at the point of its intersection with the southerly line. Area - .45 of an acre, more or less. The land is level with the west end of North Sever Road, on which it has approximately 200 feet of frontage, the dedicated road ending 120 feet east of subject west lot line.

The property is improved with a drilled well 118 feet deep with 12 inch casing. The well is equipped with a 40 horsepower Fairbanks Morse Turbine pump, electric motor and necessary electrical equipment. Capacity - 1,000 gallons per minute. The pump has been housed and is in good condition.

**Well House:**

8' x 9' with conc. foundation and floor. A frame structure with plywood siding over sheathing, open stud interior with flat tarpaper roofing. Building in fair condition.

The present estimated cost of drilling and casing a similar well is \$1,500.00.

**Water Line Easement**

Crosses a 21.40 acre tract lying between Parcels 1 and 2 for a distance of approximately 1200 feet entering Parcel 1 near the southeast corner. A condition in the easement requires water pipe to be not less than 3 feet under the ground surface.

**Sewage Disposal**

Subject property or properties do not have access to sewer lines. From best information available, shipyard sewage disposal was in a lake or swamp north of the site.

**History of the Property**

The shipbuilding site, comprising in excess of 300 acres, was acquired by the Oregon Shipbuilding Corporation on or about 1941 from various owners and improved for shipbuilding purposes as a part of the wartime activity in the World War II period. Following the end of the war the property was disposed of as follows:

#1 Grantor: Oregon Shipbuilding Corp.  
Grantee: United States of America  
Date: December 30, 1954

Permanent easement 50 feet in width from North Burgard Road and northerly for a distance of 450 feet to subject property, Parcel 1, for ordinary road purposes in common with others. Vol. 907, p. 371, records, Multnomah County.

#2 Grantor: Oregon Shipbuilding Corp.  
Grantee: State of Oregon  
Date: February 26, 1950

Easterly 52 acres (approx.). Consideration - \$1.00. Deed contained restrictive clauses concerning use, disposition and return of the property. Existing easements not mentioned. Vol. 1431, p. 521, Multnomah County records.

#3 Grantor: Oregon Shipbuilding Corp.  
Grantee: Surplus Properties Corp.  
Date: March 10, 1950

Consideration - \$1.00. Documentary stamps - \$91.85. Instrument, quit claim deed conveyed all the shipyard property, except the easterly 52 acres and 42.62 acres later transferred to the Northwest Terminal Company. Property deeded included buildings and equipment. Vol. 1405, p. 549, Multnomah County records.

#4 Grantor: United States of America  
Grantee: Surplus Properties Corp.  
Date: March 1950

Quit claim deed. Consideration - \$10.00. Documentary stamps, \$402.05. All the property except the easterly 52 acres and 42.62 acres later transferred to Northwest Terminal Company. Vol. 1405, p. 539, Multnomah County records.

#5 Grantor: United States of America  
Grantee: Northwest Terminal Company  
Date: May 20, 1950

42.62 acres (exchange of property). Vol. 1405, p. 577, Multnomah County records.

#6 Grantor: Louis Dulien, liquidating trustee  
for Surplus Properties Corp.  
Grantee: Louis and Ann Dulien  
Date: May 26, 1950

Consideration - \$1.00. Documentary stamps - \$803.00. Buyer assumes mortgage of \$72,000. Property transferred, all property purchased by Surplus Properties Corp. Vol. 1407, p. 313, Multnomah County records.

#7 Grantor: Louis and Ann Dulien  
Grantee: Container Corp. of California  
Date: June 1, 1950

9.53 acres, trackage and road easements.  
Consideration - \$10.00. Documentary stamps -  
\$346.50. Vol. 1408, p. 125, Multnomah County  
records.

#8 Grantor: Louis and Ann Dulien  
Grantee: Beall Pipe & Tank Corp.  
Date: June 2, 1950

9.39 acres, trackage and road easements.  
Consideration - \$10.00. Documentary stamps -  
\$150.70. Vol. 1408, p. 375, Multnomah County  
records.

#9 Grantor: Louis and Ann Dulien  
Grantee: Wm. & Elizabeth Shenker  
Date: May 13, 1952

216 acres (approx.). Documentary stamps -  
\$81.40. Vol. 1537, p. 319, Multnomah County  
records.

#10 Grantor: Wm. & Elizabeth Shenker  
Grantee: Bell Oil Terminal  
Date: October 9, 1953 & Feb. 1, 1955

6.04 acres and sub-surface easement for oil  
lines, also trackage, road easements and other  
rights of way. Stamps, \$64.35. Vol. 1625,  
p. 497; Vol. 1709, p. 450, Multnomah County  
records.

#11 Grantor: State of Oregon  
Grantee: United States of America  
Date: April 27, 1954

Subject property, Parcels 1 and 2, also  
water line easement. Vol. 1656, p. 246,  
Multnomah County records.

#### Summary

United States of America transferred the property in  
the following manner:

To	Surplus Properties Corporation	210 acres
	State of Oregon	52 acres
	Northwest Terminal Company	42.62 acres

Surplus Properties Corporation transferred to Dulien, 210 acres.

Dulien transferred to the Beall Pipe & Tank Company, 9.25 acres; to the Container Corporation of California, 9.52 acres; to William Shenker, 190 acres.

Shenker transferred to Bell Terminal Company, 6.04 acres.

State of Oregon transferred to William Shenker, 21.44 acres; to Beall Pipe & Tank Corporation, .66 of an acre; to the United States of America, 28 acres.

William Shenker now owns approximately 210 acres, which is vacant and for sale or lease.

#### Analysis of Highest and Best Use

##### Parcel 1:

The property is suitable only for industrial purposes to a user who does not require railroad trackage. It is reasonable to assume that present owner of trackage to the south would exact a charge for the use of his trackage and for right of way extension. Therefore, the property is most suitable for light manufacturing purposes, assembly and/or distribution by truck; trucking transfer; truck and open machinery storage and/or repair.

##### Parcel 2:

This tract of land, because of its limited area, has very little value for any purpose other than as a well site. In all probability, land in the immediate vicinity will be used only for industrial purposes, requiring much larger areas. Subject is located in such a manner as to have no apparent plottage value. The property adjoining to the west is improved with a 2 story frame office building under purchase contract by the Beall Pipe & Tank Corporation. The building is excessive in size for their present or anticipated needs and there is no demand for rental space. The immediate district is well supplied with water, therefore no market for water exists. The best use of Parcel 2 in view of the domestic water condition is as an adjunct to Parcel 1.

### Highest and Best Use

Parcels 1 and 2, together with the water line easement, as a unit; industrial site.

### Justification for Values Assigned

The sales made to date of portions of the shipyard site offer no indication of land value, because all were improved with buildings or had other elements of value, such as buildings, equipment, trackage, water shipping potentialities, easements, rights of way, and etc., the value of which are presently indeterminable.

For example, the 9.53 acre tract sold to Container Corporation was improved with a good frame building, 200' x 1000' x 30', all of which is used by the buyer. The property has trackage, which was rehabilitated by the seller and sale included other special arrangements as to switching charges, easements and etc., the value of which are unknown to the appraiser. The Beall Tank & Pipe Corporation obtained 5 large shipbuilding bays or bents having an estimated ground floor area of 160,000 square feet, the original cost of which was probably 10 times the price Beall paid for land and buildings. Purchase also included equipment and trackage.

The 21.40 acre tract bought by William Shenker from the State of Oregon was improved with buildings since wrecked and removed. The value of these cannot now be determined.

The railroad companies are making available fully developed industrial sites with trackage, on a lease or sales basis on "through streets" or "freeways," easily accessible. Such transfers include covenants and restrictions as to type of improvement, street setbacks, architecture and etc. etc. These sites are disposed of at prices as high as \$30,000 per acre, in close in highly developed and desirable industrial and distribution centers. Subject property cannot be compared with these.

The Union Pacific Railway Company has recently purchased 188 acres for industrial development 10 miles east of subject and 10 miles east of the city center, at a price of \$1,900 per acre. The land lies along the main line tracks and will be accessible over a "freeway", with limited access, now under construction and to be finished during the ensuing year.



It is the intent of the company to add cost of the development in the disposal price. The time element and ease of access will greatly enhance the desirability of the property for industrial purposes. In its present condition the property is much more valuable per acre than is subject.

The 54 acre tract (Sale No. 1) recently purchased by Kingsley Lumber Company lies directly across the river from subject. It was purchased for \$130,000, or \$2,400 per acre. Formerly a sawmill site. Buildings are of no value. Two-thirds of the land filled to an elevation of 29 feet above sea level. It has trackage (S.P. & S. Ry. Co.) and is accessible from the city center and from the "best" industrial district over State Highway #30, a through road on water level. It has 2600' of river frontage. Location, elevation and trackage causes this property to be considered much better than subject.

The 40 acre tract of land (Sale No. 2) purchased by the S. P. & S. Ry. Co. is located 8 miles from the city center and lies between the S. P. & S. Ry. tracks and the river. Land is level and all filled to an elevation of 29 feet. Land purchased for industrial development by the railroad company. Price: \$87,500, or \$2,187.50 per acre. This land is superior to land in Sale No. 1 and because of the elevation, access, trackage and location much superior to subject land.

In order to fill subject land to a 29 foot elevation, it would require an outlay of from \$1,000 to \$1,200 per acre.

The property under Listing #1, 20 acres in area, is located on the east side of the river 2 miles nearer the city center than subject, has railroad trackage and 750 feet of river frontage. An abandoned lumber mill site. Approximately one-half of the land is filled to an elevation of 29 feet, remainder requires filling. Because the property is two miles closer in, has trackage and on deep water makes it better than subject. List price - \$90,000. Agent states an offer of \$60,000 will buy the property.

Since acquisition of the shipyard property by Surplus Properties Corporation and/or William Shenker, only three portions, totaling less than 30 acres out of 230 acres, have been disposed of. From informed persons it is learned that the owner has at all times diligently endeavored to sell or lease additional land without success to date. It is not known on what basis of value these efforts have been made. However, these facts lead the writer to conclude the shipyard property is not only not in strong demand, but is difficult of disposal.

It is very doubtful Parcel 2 could be sold separately for more than a nominal price, because of the limited area and because no market exists for the water. Its value is based principally on its capability of furnishing water to subject Parcel 1. In all probability a similar well could be drilled and cased on Parcel 1 at a cost not to exceed \$1,500, and a pump and pressure system installed which would provide water for any normal or probable requirements for not to exceed \$1,000.

It is therefore my opinion Parcel 2, the well as equipped, together with the pipe line easement enhance the value of Parcel 1 to the extent of the replacement cost of a well and equipment.

In arriving at the opinion of values submitted, consideration has been given to the desirability and utility of subject property in comparison with properties herein mentioned and to other properties, as well as to the prices at which they are listed or have been sold. Consideration and weight have been given to the opinions of the Industrial Agents of the three railroad companies, all of whom are vitally interested in the acquisition, development, management and disposition of industrial property. Consideration and weight have also been given to the opinions of local brokers and appraisers, all of whom are believed to be well informed.

#### Tax Information

The subject property has not been valued by the Multnomah County Assessor for taxation purposes. The County Assessor states "the assessed valuation of locally assessed taxable property assessed by the County Assessor's Office as entered on the 1956-57 roll is 60% of the true cash value of such property." Local brokers and appraisers state valuations are inconsistent and not to be considered as indicative of market value.

#1 Tax Lot 39. 21.40 acres, adjoining subject Parcel 1 on the south.

Owner: William Shenker  
Assessed Value of Land: \$21,400

#2 Tax Lot 32. 6.04 acres, a part of shipyard site.

Owner: Bell Terminal Company  
Assessed Value of Land: \$9,100

#3 Tax Lot 32. 9.39 acres.

Owner: Beall Pipe & Tank Corp.  
Assessed Value of Land: \$11,200

#4 Tax Lot 31. 42.62 acres.

Owner: Northwest Terminal Company  
Assessed Value of Land: \$31,900

#5 Comparison Sale #1. 54 acres.

Assessed Value of Land: \$42,000  
Sold in 1954 at \$130,000

#6 Comparison Sale #2. 40 acres.

Assessed Value of Land: \$90,750  
Sold in 1950 at \$87,500

The above valuations appear inconsistent to this appraiser. Three and four have equal per acre land value. The value of land in #5 and #6 are very comparable.

The millage rate in 1956 is 60.5.

#### Valuation of the Property

According to the information furnished the appraiser by the sponsor, the land under consideration contains a land area of 27 acres, more or less. On County records Parcel #1 is carried at 28.31 acres and Parcel #2 as .45 of an acre. The permanent easements granted through and over Parcel #1 contain an area in excess of 3 acres, thereby lessening the full use area of Parcel #1 to 25 acres, more or less.

#### Estimated values:

Parcel No. 1, 27 acres, more or less \$25,000

Parcel No. 2, .45 of an acre, more or less, including well and pumping equipment, and including the value of the water line easement 2,500

Appraised Value of the Property  
(as a unit) \$27,500

ADDENDA - OREGON SHIPBUILDING CORPORATION

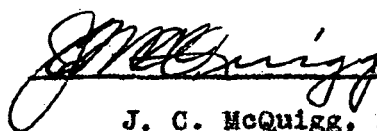
MULTNOMAH COUNTY, OREGON

The shipyard site approximating 300 acres was assembled and acquired partly through purchase, partly through transfer from public authorities, and partly through filling, as a combined wartime effort. The cost therefore, of any one portion is difficult to determine with any degree of accuracy.

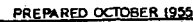
The subject land is unimproved except as described under Parcel 2 (Well).

It is located in an outlying district where land is not commonly rented.

Because of these conditions, it is considered the cost and income approaches to valuation are not applicable and are therefore omitted from the report.



J. C. McQuigg, M.A.I.



COPY

National Archives-Pacific Alaska Region  
6125 Sand Point Way NE

Seattle, WA 98115

Record Group No. 121

Additional information Box 77

Folder: Ore Ship bldg site,  
Portland, Or, Mar-44 Appraisal  
of residual land

SCHN00319731

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## United States Senate

COMMITTEE ON PUBLIC WORKS


July 7, 1950

Mr. Jess Larson  
General Services Administration  
Washington, D. C.

My dear Jess:

With reference to our pleasant conversation of this morning I am enclosing two copies of a memorandum, together with the first and second invitations to bid on the Oregon Shipbuilding Corporation property and a map which were recently sent to me by a very substantial and worthwhile citizen of Washington State. I will deeply appreciate your looking carefully into the several grievances which are offered by my constituent. I am anxious to let him know what you consider the facts to be and to support your action should you determine that any or all of the criticisms are founded in fact. I have written to my correspondent to say that I have briefly discussed his problem with you. By way of real compliment to yourself I went on to add that he could rely completely on your investigation of the situation.

Most cordially,

  
HARRY F. CAIN

HFC/cp  
Encl.

*Correct*

The following is the history concerning bid invitations and bids involved in the sale of the Oregon Ship Property referred to in General Services Administration files as WA Disposal No. M-ORE-12A, Bid No. RSE-PIN-36. The original bid invitation for the sale of this property was issued by General Services Administration, Seattle Regional Office, sometime in October, 1949, with the bids to be received and opened by the Seattle Regional Office at 4:30 P.M. Pacific Standard Time, November 21, 1949, from Federal Governmental Agencies and State and Local Governments possessing priorities, and until 10:00 A.M. Pacific Standard Time, November 22, 1949 to all others, and then publically opened and read.

*of  
B.I. Smith  
in Portland*

With the invitation for bids was forwarded a map showing the general arrangement of the entire facilities and the entire invitation was subject to priority bids that might be received from Federal Government Agencies and State or Local Government Agencies. Bids were requested for purchase only and it was permitted that more than one bid or alternate bids by any one bidder may be submitted but had to be submitted separately.

*B. Lewis  
T. J. G. P.*

The only priority bids received were from the State of Oregon, Board of Education, and concerned part of Parcel I, all of Parcel K, part of Parcel M and a small portion of Parcel A on the southeast corner. The Port of Portland had expressed a tentative priority interest in the entire area but because of lack of funds were unable to exercise their priority. At the bid opening on November 22nd at 10:00 A.M. there were a number of interested bidders and their individual bids were approximately as follows. This information is not exact and complete but is the condensed information as concerns their bid. The exact bids and copies there are in the General Services Administration's files at either Washington, D. C. or Seattle and can be checked very easily.

*Woodbury & Miller  
Inc. Portland  
(from Chicago)*

The first bid was from Woodbury & Miller, Inc. of Portland, Oregon, who submitted several different proposals. One for buildings and facilities exclusive of land in Tract A, \$91,000 and as an alternate on this bid, complete as indicated in their bid plus land, including the assembly building, plate shed and personnel building, \$100,000. The second bid was for all buildings and facilities on Tract B excepting the warehouse building, \$7,500, with the land \$35,500. Third, all facilities on Tract C, \$2,700, Fourth, all facilities on Tracts D, E and F, \$3,000. Fifth, all facilities on Tract G, \$2,650. Sixth, all buildings and facilities on Tract I, \$12,500 with a note that in the event the building is excluded to deduct \$12,500. Seventh, buildings and facilities on Tract N, \$7,500. It should be noted that the land was excluded from most of their offers with a further note that they desire to negotiate for the purchase of same.

The second bid was from a combination or group of firms who were Schnitzer & Wolf Machinery Co. of Portland, Oregon, Zidell Machinery Co. of Portland, Oregon, and California Bag and Metal Co. of Portland, Oregon who forwarded a certified check in the amount of \$6,500 with their bid but who stated that their financial information as requested by the bid invitation would be furnished at a later date. Their combination offer was briefly as follows. For a period of 2 years from the acceptance of their offer they agreed to act as selling agents of War Assets Administration and to sell such portions of the property being purchased by them at the highest price obtainable therefor and agreed that they would retain from the sales price of this property only the amount necessary to pay expenses of handling and the balance of the sales price to the extent of \$650,000 would be paid to the government. If the sales did amount to a total of \$650,000, then they agreed that two years after the



OK  
date of acceptance of their offer to pay the government the difference between the amounts realized and the sum of \$650,000. At that time War Assets would then convey title to all the remaining property free and clear of any encumbrances. Further, in addition to the \$650,000, they agreed to pay further amounts of 50% of gross proceeds in excess of \$1,000,000 of sales and to the extent of \$2,000,000 received by bidder for the sale of the property described less handling, expense and 75% of such gross receipts in excess of \$2,000,000 and to the extent of \$3,000,000 less expense of handling and 80% of gross receipts in excess of \$3,000,000. Basically their offer amounted to acting as sales agents for War Assets, guaranteeing a minimum of \$650,000 and retaining certain percentages of sales in excess of \$650,000 after deducting the necessary expenses.

OK  
The next offering was from Dulien Steel Products Co. of Seattle, Washington who offered to purchase the entire property, including the personal property thereon for 33-1/3% of the depreciated value of all property as shown on the books of the Oregon Shipbuilding Co. at the time of the delivery of these facilities to War Assets Administration, less reasonable depreciation for obsolescence and deterioration to date of delivery of said property to bidder, less 50% of entire amount arrived at. Their offer was for the purchase of all the property including the cranes, craneways, etc.

The next offer was one received from Barksdale, Inc. from Seattle, Washington. This firm submitted two different offers, one offering \$20,000 for approximately 6.5 acres described as follows:

K  
Starting at the Southwest corner of the Northwest Oil Co. Tract proceeding in a southerly direction along the river boundary of Tract "N" a distance of 450 feet; thence in an easterly direction that would be shown by a straight line drawn from this point to the most northerly point of Tract "F"; thence at an angle northerly a distance of approximately 150 feet to a point intersecting a line running from the point of beginning easterly parallel to the south line of Tract "F"; thence westerly to the point of beginning along said line. Said Tract containing approximately 6.5 acres.

and, two, offering \$33,500 for approximate 13.73 acres described as follows:

OK  
That area contained in Tracts "F", "D" and "E", plus that area bound by the triangle commencing as marked on Exhibit B, RSE-PIN-36, Oregon Ship, described as follows: Beginning at an intersection of the westerly points of Tracts "D", "F" and "N" on the river; thence in a Northerly direction 150 feet; thence from that point in an easterly direction to the northernmost point of Tract "F", the triangular area containing approximately 1.5 acres plus the area of Tracts "D", "F" and "E" containing approximately 12.23 acres, making a total of 13.73 acres.

Both of their offers included all buildings, equipment and land.

The next bidder was Time Gas & Oil Co. of Portland, Oregon who submitted three separate and distinct offers as follows. 1. They offered \$51,600 for approxi-

mately 22.17 acres described as follows:

Beginning at the southwest corner of the Northwest Oil Co. Tract proceeding in a southward line along the river boundary of Tract "N" to the westerly junction point of Tracts "N", "D" and "F" a distance of approximately 600 feet; thence east along the common boundary line of Tracts "D" and "F" approximately 1,700 feet; thence at right angles to said line in a northerly direction approximately 515 feet to the southern edge of road "D"; thence at right angles in a westerly direction to point of beginning a distance of approximately 1,960 feet. Said tract containing approximately 22.17 acres.

Their second offer was \$60,500 for an area containing approximately 33.75 acres described as follows:

Beginning at the southwest corner of the Northwest Oil Co. tract proceeding in a southward line along the river boundary of Tract "N" to the westerly junction point of Tracts "N", "D" and "F" a distance of approximately 600 feet; thence east along the common boundary line of Tracts "D" and "F" to the easterly boundary of Tract "N" a distance of approximately 2,663 feet; thence at right angles in a northerly direction approximately 515 feet; thence at right angles in a westerly direction to point of beginning, approximately 2,925 feet. Said tract to contain approximately 33.75 acres.

Their third offer was \$31,000 for approximately 12.23 acres described as follows:

That certain area contained in Tracts "D", "F" and "E" as shown on Exhibit B, to bid invitation RSE-PIN-36 covering the Oregon SHip Building Corporation property. Said area containing approximately 12.23 acres.

All bids presented were presented with properly certified checks or money orders as requested in the bid invitation.

The bid invitations further stated that if these bids were to be accepted by War Assets Administration that they must be accepted with 60 days of the date of opening of the bid and if more than 60 days were to pass by before acceptance by the government, the government would have to obtain consent from the bidders before any acceptance would be firmed up. All during the time preparatory to the opening of these bids and shortly after the openings of the bids, the bidders had been informed that the decision would be made by the local office here and that as soon as possible all the bidders concerned would be acquainted with the decision to be made. As time dragged on after the opening of the bid, many excuses were offered. First that the local regional director, O. C. Bradeen, was in Washington, D. C. and that the decision would have to await his return and upon his return it was then discovered that it was necessary to send all the bids with the local office's recommendations to the General Services Administration office in Washington, D. C. for final decision to act thereon.

Later on, during the early part of January, 1950, several of the bidders were informed by Mr. Ocamb, who is in the Seattle Regional Office of War Assets, that all the bids on the Oregon Ship Property, together with his recommendations, were being forwarded to [redacted] Washington, D. C. and that the local offices recommendations were briefly as follows. The Northwest Oil Co., who had certain right-of-way rights and with whom Mr. Ocamb and other members of the Seattle Regional Office had been negotiating for some time, was to be given the property for which they asked, which as I understand it is the north portion of Parcel N from Road D north. That Time Gas & Oil Co., who was one of the bidders, is to get the balance of Parcel N and Parcel F, and that Barksdale, Inc. was to get Parcels D and E. The balance of the property, excluding that asked for by the State of Oregon, Board of Education, would probably go to Zidell Machinery, California Bag and Metal, Snitzer and Wolf, who as a group asked to act as sales agents for War Assets Administration with a guarantee to pay the government something over \$500,000.

These were the recommendations of the Seattle Regional Office of War Assets as stated by their representative to various of the bidders. All bidders were told that these were only the local recommendations and that the final decision would be reached by the chief administrator in Washington, D. C. Also the bids that were opened on November 22nd were due to expire January 22nd because of the 60 day time limitation, and on approximately the 15th to the 17th of January, Mr. E. C. Ocamb of the Seattle Regional Offices of General Services Administration, called the various bidders and asked for a 2-week time extension on the bids in order that the General Services Administration would have sufficient time to consider all the bids because of their being forwarded to Washington. I believe in most cases this extension of time was given in order to help facilitate this method of handling the matter.

At that time it was also stated that Mr. O. C. Bradeen, Regional Director, Seattle Office of General Services Administration, was in Washington and it was expected that he would bring the decision back with him from Washington. Several weeks went by and on January 25th a letter was written to various bidders on the original invitation briefly as follows. That all proposals for the purchase of the property as described in invitation to Bid No. RSE-PIN-36 had been declined. The offers could not be considered because the invitations to bid did not provide for easements necessary to serve that portion of the property that each of the individual bidders proposed to purchase. It further stated that copies of a new invitation for bids for the sale of this property were closed and that new offers would be received as stated therein. The new invitation to bid was enclosed with the letter, together with a map of the area which showed the old parcels but this map had further been divided to fit the original offers from the various bidders involved, in the property they had specified, and they had been relabeled as Parcels 1, 2, 3, 4 and 5. Parcel 5 was the area that the State of Oregon, Board of Education, had been interested in for their college. Parcel 1 was the area that General Services Administration had been negotiating on with Northwest Oil Co. in an endeavor to settle Northwest Oil Co.'s right-of-way and roadway rights. Parcel 2 was one of the areas bid upon by Time Gas & Oil Co., one of the original bidders and Parcel 3 was one of the areas bid upon by Barksdale, Inc., one of the original bidders. Parcel 4 was the remainder of the Oregon Ship Property not bid upon specifically by anyone but bid upon by several parties, originally bidding to act as sales agents for General Services Administration in moving out and selling off the property. The new bid opening date was set for February 7, 1950 at 10:00 A.M. at the Seattle Regional Offices of General Services

Administration. It was specifically stated in the instructions that no consideration would be given to proposals covering resale agreements where bidder proposes to act as so called agents of the government, and that bids must conform to parcels as shown in Exhibit A attached thereto. Certain minimums in dollar values and specifications were set forth for Parcels 2, 3 and 4 and it was further stated that Parcel 1 and 5 had been sold. It did not say who, how, where or what, just that they had been sold. However, it was discovered through oral conversations that Parcel 5 had been sold to the State of Oregon, Board of Education, and Parcel 1 was being transferred to Northwest Oil Co. in exchange for certain roadway rights and obligations that the government had with them.

These bids were opened on February 7, 1950 at the stated time and the following were the results. The first bid was submitted by Woodbury & Miller, Inc. of Portland, Oregon who bid as follows, Parcel 2, \$61,600, Parcel 3, \$12,600, Parcel 4, \$326,100. The second bid was by Oregon Land Investment Co. of Portland, Oregon, Parcel 2, \$12,500, Parcel 3, \$10,500, Parcel 4, \$260,000. The third bid was by Time Gas & Oil Co. of Portland, Oregon, Parcel 2, \$40,500. The next bid was submitted by Barksdale, Inc. of Seattle, Washington, Parcel 3, \$12,250. The next bid was submitted by Surplus Properties Corp. of Seattle, Washington, Parcel 2, \$70,175, Parcel 3, \$23,650, Parcel 4, \$354,605. Right after the bids were opened it was determined in talking to Mr. Ocamb of the General Services Administration who handled the bid opening that a decision would be forthcoming within the next day or two and would again be made by Mr. Bradeen, the local Regional Manager of General Services Administration.

This was contrary to information given out after the first bid opening in that the decision would have to be made in Washington, D. C. Also, it was learned later that the entire property was sold to Surplus Properties Corp. of Seattle who are a subsidiary of Dulien Steel Products Co. and that the award was made that very day of the bid opening which is surprisingly fast action in view of the length of time it took the administration to consider anything on the first bid openings.

*Award 2/7/50  
Successful bidder  
notified by  
letter dated 2/8/50*

*no diff.  
to Bids  
Don't seem  
abnormal*

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# Oregonian


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of

PORTLAND, OREGON, THURSDAY, SEPTEMBER 14, 1950

CITY EDIT

## Shipyards Turned Into Wheat Storage Plant

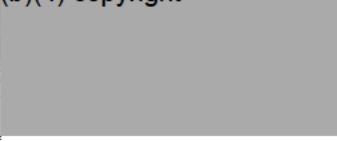

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## Huge Storage Bins Provide Space for Incoming Grain

BY LAWRENCE BARBER (b)(4) copyright


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EXHIBIT "C"

April 13, 1949

VALUATION REPORT

PROJECT IDENTIFICATION: Oregon Shipbuilding Corp.  
Portland, Oregon  
MC 70537  
H-Ore-12

*not used  
See 1st report  
4/13/49*

PROPERTY DELINEATION:

This report covers personal property only. The evaluation is based on I.R.M. list of machinery and equipment prepared by Seattle Regional Office under date of March 24, 1949. This list has been corrected by undersigned and Mr. Ray Peirce of Seattle, to account for removals since inventory was filmed by inspection in August, 1948. This corrected inventory is contained on two master lists designated as Exhibit A & B. The former is in the files of the Appraisal Division, ORPD, Washington, D. C. and the latter in the Seattle Regional Office.

SUMMARY OF VALUES:

Acquisition Cost	\$4,107,641.72
Fair Value in Place	1,169,627.00
Fair Value to Domestic Purchaser (Off Site)	1,100,000.00
Fair Value to Foreign Purchaser (Off Site)	1,000,000.00

A personal inspection was made of this property, April 5 to 11, 1949. Values assigned represent present market values, physical condition considered. The fair values are based on sale of entire inventory of personal property, as a lot.

As sales have been held at this property, the machinery and equipment remaining does not constitute a complete manufacturing facility. Most of the machine tools in the machine shop have been sold. Some of the sheet metal working machines, such as press brakes, bending rolls, tube benders and presses remain in the plate shop; but due to the sale and removal of some units, the remaining equipment is out of balance. The bulk of equipment as a whole, remaining, is materials handling and moving machinery, welding machines, portable tools, maintenance repair and operating supplies, office furniture and fixtures and business machines. The bulk of dollar value of equipment at the yard is in materials handling and moving equipment and this "top heavy" condition was considered in setting the fair value.

The flood of the Willamette River covered this property in May, 1948. All equipment that could be moved was taken to high ground ahead of the flood waters; but much of the equipment was under or in the water. The rehabilitation of equipment after the flood was done by the Sterling Warehouse Corp., and is a real professional job. All machines were cleaned with steam, working parts or gear cases under water were disassembled, cleaned and repacked with oil or grease. Electric motors were thoroughly cleaned and baked out and then exceptionally well wrapped with waterproof wrapping. All bridge cranes and

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gantry cranes were serviced, moving parts cleaned, electric motors handled as referred to previously, and then the units were painted. After the cleaning, equipment was covered with a protective coating. The condition of personal property at present due to the thorough processing for stand by, makes this property as good or better than that at any of the many yards inspected by the undersigned. The machinery and equipment was in use in ship-building for five years. Many of the portable tools reached their life expectancy in this time and many riveting hammers, electric drills, etc., are valued now only for some of the serviceable parts that they contain. Welding machines have reached the point where maintenance costs will be excessive.

The bridge cranes are all in operating condition. Some were purchased used, and some are operated on DC current and some on AC. This requires duplicate wiring and in selling all bridge cranes as a lot, this factor is considered in making the cranes less valuable. There is no record nor traces of cranes being overloaded; and diving gear, trolleys, etc., are all in operable condition according to those who used this equipment during its operation.

The Whirley Gantry Cranes are all in operating condition. Some work must be done on these cranes before they can be put in first class condition. There is considerable wear in the gear trains on the revolving mechanism on some of the Whirleys. This back lash that has developed means that the driving motors must make many revolutions before back lash is taken up and the required action occurs. This means jerky operation and a possibility of broken driving shafts. These mechanisms must be overhauled. On American Whirleys it is necessary to reinforce structural members. Although there is only a remote chance machinery and equipment will be used in place, values were figured for this contingency. In event equipment is to be used in place, some Gentries would undoubtedly be moved. The values placed on Gentries for use in place are low to account for moving some cranes. Both bridge and Gantry cranes are also evaluated for purchase both by a domestic or a foreign purchaser for use off site. For a domestic purchaser, the price is figured on bridge cranes removed from place and on cars, with driving trucks, cabs and trolleys removed. In addition, for a foreign purchaser, the two girders must be separated and shortened so that they can be loaded on ships. The same method of evaluation applies to Gantry cranes. Gantry cranes are to be used to remove all bridge cranes possible and the remaining Gantry and certain bridge cranes must be removed by use of a gin pole or using large automotive cranes on the premises. Electric current must be brought into the yard for this dismantling with Gantry cranes, and no allowance for this service, has been made herein.

Two steam locomotives are beyond further service and have been considered as scrap. Two Diesel locomotives will need general cleaning and minor overhaul before being placed in service, as they have been stored in the open; and some windows broken and cab doors left open.

The automotive cranes are, with one exception, in good condition. All have been recently painted, and working parts protected. Inflated rubber tires have been protected by blocking up equipment to take weight off the tires. Tires appear serviceable. One "General" automotive crane needs

an overhaul; and all engines should be torn down and cleaned before being operated because of condensation that has taken place in the engines. Fork lift trucks and tow trucks are good, all are newly painted and working parts protected. Caterpillar Bull Dozer has been operated recently and found to be in working order.

The automotive equipment which included pick up trucks, jeeps, dump trucks and tractors and trailers, is in bad condition and only has junk value. Most of this equipment will not operate. When automotive equipment was processed, nothing was done to most of the trucks, as this equipment was worn out, and in need of extensive repairs at the conclusion of operations at the yard. With the present condition of the new and used truck market, the only way more than junk value would be realized would be in a trade for new trucks and then the value would be of little consequence.

Special trailers were made for this operation which are approximately sixteen feet wide. These trailers were made necessary because the arrangement of the yard was such that the plate shop was adjacent to the ways and the assembly shop to the rear. It was necessary to have these large trailers to transport assemblies back to the ways. In operation at another site, this arrangement of the yard would hardly be followed, so the wide trailers would be of little, if any, use; and because of their width, they could not be used on the highways. Therefore, a token value only has been placed on this item.

The office furniture is, in the main, substandard. The bulk of desks, chairs, tables and filing cabinets etc., is of wood, and many are "Victory Models". Many of the typewriters were purchased used, and all typewriters would have to be rebuilt, so a minimum value was placed on them. Calculating machines will all be in serviceable condition after cleaning.

#### RECAPITULATION:

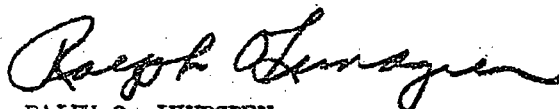
This yard is not a complete shipbuilding facility and the type of equipment remaining is out of all balance. The equipment has had exceptionally good processing for stand by; but equipment is all from seven to eight years old, and much of it operated for five years, three eight-hour shifts with war time maintenance. Many items are now obsolete. As power must be brought into the yard to be used in removing some of the equipment, an allowance should be made. No allowance has been made in this evaluation for this service.

As stated in the outset of this report, the lists of equipment upon which this fair value was based are noted as Exhibits A & B and one each is in possession of the Seattle Regional Office and the Appraisal Division, ORPD, Washington, D. C.

The fair values set forth on above mentioned inventory only apply when total inventory is sold as a lot. Should items be sold separately, pricing as pertains to general disposal should be used. All major items in inventory were located during this inspection. On lots of small hand tools etc., it was impossible to check quantities, so errors that might

occur were considered in pricing line items. No further allowances should be made for failure to deliver specific quantities.

Regardless of whether machine tools would be retained on site or removed therefrom, all machines would have to be removed from foundations. This fair value eliminates installation costs and also allows for removal.



RALPH O. LUNDGREN  
Industrial Engineer

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( COPY )

*Please file in  
Ore Ship*

February 11, 1946

Oregon Shipbuilding Corp.,  
P. O. Box #1271  
Portland, Ore.

Atten: Mr. Al Bauer

Gentlemen:

With reference to the restoration of the Commission's property under lease to your company, we have given the subject considerable study. Combining the things that your company has indicated it desires to do with the things we have concluded should be done, the following enumeration has been concluded as being acceptable and necessary:

- (1) All buildings, including concrete spread footings, to be removed, except the Commission would have no objection to the assembly building and plate shop remaining.
- (2) All Concrete slabs above the existing grade to be removed.
- (3) All underground piping may remain, except that small pipes close to the surface may be removed, the Commission to be furnished with a plan showing the location of the piping.
- (4) All manholes to remain in place, with the steel plate covers to be spot welded in place and the cast iron manhole covers left as they are at present.
- (5) All pavement to be left in place, except such as would be required to be removed in wrecking of buildings and the removal of railway trackage.
- (6) Water wells to be capped and left intact.
- (7) Railroad track rails and tie plates to be removed, and the ties may be left.
- (8) All piling to be pulled and removed from the premises.
- (9) The way area to be filled with proper material to elevation 26 and to within 200 feet of and parallel to the harbor line.

Very truly,

THE COMMISSION OF PUBLIC DOCKS

By George D. LaRoche - General Manager

cc: Mr. Roy Cook

*Supplied by  
Capt. W. J. Lantry  
4/20/49  
eab*

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